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Hearings . 1963
nos 21-26

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

ST. JOHN'S

NFLD.

VOLUME No.:

21-26

DATE:

May 2 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION

ON

PILOTAGE

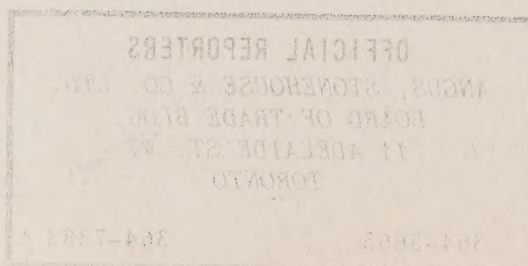


HEARINGS

HELD AT

DATE:

VOLUME No.





ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
St. John's, Newfoundland, on
the 2nd day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq. Q.C.	Member
Harold A. Renwick, Esq.	Member

Mr. F.S. Morissette	Asst. Secretary
---------------------	-----------------

COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild for the St. John's Pilots' Committee.
----------------------------	--

Also Present:

Capt. J.S. Scott, Nautical Advisor
to the Commission.



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1 Thursday, May 2, 1963

2 ---On resuming at 10:00 A.M.

3 MR. JACQUES: My Lord, before I continue
4 my further examination of witness Hancock I should like
5 you to hear the Secretary of the Lewisporte Authority.
6 I have to put him on the stand now in order to allow him
7 to go back to Lewisporte and prepare for the visit of the
8 Commission. He will not be very long.

9

10 LEWIS LAYDEN, sworn

11 MR. JACQUES: First, I should like to file
12 as Exhibit 259 the rates of pilotage for Lewisporte,
13 adopted in 1916, and as Exhibit 260, a letter which we
14 have received from the Town of Lewisporte.

15

16 ---EXHIBIT NO. 259: Rates of pilotage fixed by the
17 Board of Commissioners, Lewisporte,
and approved on August 21, 1916.

18

19 ---EXHIBIT NO. 260: Letter from Town of Lewisporte
20 to the Royal Commission on Pilotage,
dated April 24, 1963.

21

This letter reads as follows:

22

"Our counsel received a copy of a brief

23

submitted by the Lewisporte Chamber of

24

Commerce for the consideration of the

25

Commission during its setting, which will

26

be taking place around the end of the

27

current month.

28

This matter was considered at quite

29

some length at a recent meeting of counsel

30

and the motion to recommend the brief for



1 the Commission's consideration was unami-
2 mously approved.

3 Counsel concurs with the Chamber
4 that in order for our Pilotage Commission to
5 have sufficient funds to maintain an
6 adequate service our district will have
7 to be governed by the Canada Shipping Act
8 and new by-laws implemented.

9 We trust the Commission will give
10 this brief their careful consideration and
11 any recommendations that will improve the
12 handicap under which our Pilotage Commission
13 now operates will be appreciated.

14 We remain,

15 Yours very truly,

16 E. N. Francis,
17 Town Manager."

18 This letter is dated April 24, 1963.

19 Q. Sir, would you state your full name and
20 your age, please?

21 A. Lewis Harrison Layden; my age is 45.

22 Q. What is your occupation, sir?

23 A. Foreman, Canadian National Railways.

24 Q. Are you a member of the Pilotage Commission
25 for Lewisporte?

26 A. I am the Secretary-Treasurer.

27 Q. How long have you occupied that post?

28 A. Since 1960.

29 Q. Since 1960, three years?

30 A. Three years.



1 Q. Have you brought with you copies of your
2 annual reports for the years 1958 to 1962, inclusive?

3 A. Yes, sir.

4 Q. Have you also prepared a summary of the
5 receipts and expenditures for your district for the years
6 1960, 1961 and 1962?

7 A. I have, sir, you have them with you.

8 Q. Will you file the annual report for the
9 year 1962 and also the statement of receipts and expendit-
10 ures, as Exhibit 261?

11 A. Yes.

12

13 ---EXHIBIT NO. 261: Annual report and statement of
14 receipts and expenditures for
the year 1962.

15

16 Will you file as Exhibit 262 your Annual Report
17 for 1961, together with the statement of receipts and
18 expenditures?

19 A. Yes, sir.

20

21 ---EXHIBIT NO. 262: Annual report for 1961 together
22 with statement of receipts and
expenditures

23 Q. And as Exhibit 263, your report for the
24 year 1960, including the reports for the years 1958 and
25 1959 and also a statement of the receipts and expenditures
26 for the year 1960?

27 A. Yes, sir.

28

29 ---EXHIBIT NO. 263: Report for the year 1960, including
30 report for the years 1958 and 1959
and also statement of receipts and
expenditures for the year 1960.



1 Q. The annual returns cover three years. Now,
2 sir, would you tell the Commission how many pilots are
3 on duty in Lewisporte during 1963?

4 A. During 1963 we have only one pilot and
5 one -- we don't consider him a pilot -- a standby pilot,
6 not a pilot, but a standby pilot -- one moment -- he is
7 classed in the report as an apprentice pilot, but it is
8 not -- it is actually a standby pilot that we use.

9 Q. So you have one pilot and one standby
10 pilot?

11 A. Yes.

12 Q. What is the difference between the two
13 of them?

14 A. The regular pilot that we use is the
15 pilot that we depend on continuously for piloting ships;
16 but if the need arises and the regular pilot is not avail-
17 able, this other pilot who is also a coastal master, we
18 call on him in a case of emergency.

19 Q. What qualifications has your full-time
20 pilot?

21 A. He is a master coastwise.

22 Q. How long has he been a pilot?

23 A. He has spend many years with the Royal
24 Canadian Navy, the R.C.N.; and I understand he spend most
25 of his lifetime at sea but not as a regular pilot.

26 THE CHAIRMAN: What is his name?

27 A. Captain Leo Dwyer.

28 Q. What is the name of the standby pilot?

29 A. The standby pilot is Mr. Robert Primmer.

30 BY MR. JACQUES:



1 Q. How long has he been a pilot with your
2 Commission?

3 A. You mean our regular pilot?

4 Q. Yes?

5 A. This is the second year; it is during
6 1962 that --

7 Q. And before that did you have a permanent
8 pilot; did you have a permanent pilot before Dwyer?

9 A. Before Dwyer we used this Mr. Primmer as
10 a permanent pilot.

11 COMMISSIONER SMITH: You gave the qualif-
12 ications of the pilot; would you give the qualifications
13 of the standby? Did you give the qualifications of the
14 standby?

15 MR. JACQUES: No, he has not yet.

16 Q. So, before 1962 you have Mr. Primmer and
17 since 1962 you have had Mr. Dwyer and Primmer. Mr. Dwyer
18 is, as it were, the main pilot on the job. Whenever there
19 is a ship coming in he would normally take the ship and
20 Mr. Primmer would take a ship if Mr. Dwyer was busy else-
21 where; is that it?

22 A. That is right.

23 Q. And what are Mr. Primmer's qualifications?

24 A. Now, I am not prepared to give them be-
25 cause I don't know. He has been used as a pilot before I
26 became Secretary of the Commission and I would not know.
27 I do not think that he holds any master's ticket or certifi-
28 cate. He is a fisherman as far as I know, that is all.

29 COMMISSIONER SMITH: How old would he be?

30 THE WITNESS: I think I have his age.



1 MR. JACQUES: He is 54, sir. It is in your
2 1962 annual report.

3 A. 54.

4 Q. Mr. Dwyer is 51. Now, I see the name
5 of Mr. Douglas Manuel listed as a pilot. Explain how he
6 came to be listed as a pilot in the 1962 report?

7 A. Mr. Douglas Manuel is a local coastal
8 captain of Lewisporte and he was used to take a ship
9 out of the harbour when none of the other pilots were
10 available.

11 Q. You said that he was used when the
12 other pilots were busy elsewhere; how many assignments
13 did Manuel perform?

14 A. Just one assignment.

15 Q. All the other assignments were handled
16 by either Mr. Dwyer or Mr. Primmer?

17 A. All the assignments that the pilotage
18 commission has been requested to handle.

19 Q. By those two pilots; in the reports
20 which have been filed as Exhibits 261, 262 and 263, are
21 you able to tell the Commission the number of ships
22 which were handled in your district in those years?

23 A. I can only give what was handled through
24 the Commission.

25 Q. Yes?

26 A. In 1962, six ships only; in 1961, seven
27 ships. You need tonnages?

28 Q. Not for the moment?

29 A. In 1960, nine ships.

30 Q. Nine ships; although you are not a sea-



1 faring man, are you able to tell the Commission what types
2 of ships these were? Are they cargo ships, tankers, tugs,
3 or what?

4 A. I may be able to give that from my file.
5 You want, my lord, each ship or ---

6 Q. Were these ships that were handled
7 cargo ships or tankers?

8 A. They were both tankers and cargo.

9 Q. Can you tell from your records the
10 gross or net tonnage of those ships?

11 A. Not in 1960.

12 Q. 1961?

13 A. In 1961 -- the ^{gross}/tonnage you asked?

14 Q. Gross or net?

15 A. I don't have the gross, no, I just have
16 the net tonnage, my lord.

17 Q. Would you give the net tonnage of the
18 ships that you handled during 1961?

19 A. During 1961, a total of seven ships;
20 the first one was 1300 net tons; the second one was 2400
21 net tons; the third one was 3170 net tons; the fourth was
22 6919 net tons; the fifth one was 1300 net tons; the sixth
23 was 1300 and the seventh was 2761 net tons. That brought
24 a total net tonnage for the district of 19,150 net tons.

25 Q. Would you have the same information for
26 1962?

27 A. I have the same information available
28 for 1962; that is, quoting net tons, I don't have the gross
29 tonnage or the dead weight of the ships. In 1962 there
30 were six ships: the first was 2820 net tons; the second



1 was 1250 net tons; the third was 2670 net tons; the fourth
2 was 1375 net tons; the fifth was 7612 net tons; the sixth
3 was 6412 net tons, making a grand total of 22,069 net tons.

4 Q. Can you tell the Commission, to the
5 best of your knowledge, whether this shipping that you
6 have just given for the years 1961 and 1962 represented
7 the total shipping in Lewisporte?

8 A. It did not, my lord, it did not represent
9 the total shipping in Lewisporte; these figures represent
10 only the shipping that requested pilots, shipping only that
11 requested pilots through the Pilotage Commission at Lewis-
12 porte.

13 Q. Are you able to tell how many ships went
14 to Lewisporte during that three years?

15 A. I am afraid I am not, my lord, I don't
16 have the figures available. I took no record of shipping
17 except --

18 COMMISSIONER SMITH: You mentioned a
19 couple of ships there around 6000 net tons. Were there any
20 large ships going in there that went in without a pilot?

21 A. My lord, I can -- I will check my file
22 and see if I can give you that. I have the name of one
23 large ship that came in there during 1960, the motor ship
24 Hoghsword, which was a very large tanker, but I don't have
25 the tonnage; but taking into account the amount of the
26 pilotage I would assume that her tonnage was very high.

27 COMMISSIONER SMITH: One more question;
28 was that ship a frequent caller at the port?

29 THE WITNESS: She did call at Lewisporte
30 in 1960. Now, there are many more ships that come in there,



1 many more, I am not prepared to give the figure because
2 Lewisporte is a port, and a large amount of oil tankers,
3 it is a large storage depot for the International Airport
4 of Gander, and a large amount of tankers come in there during
5 the past three years, not so many freighters due to the
6 fact that the Department of Public Works is building a
7 new large freight terminal there which impeded freight
8 shipping, but it has been used considerably as a freight
9 terminal for supplying most of central Newfoundland.

10 COMMISSIONER SMITH: What I was trying to
11 get at was the familiarity of the master of that large
12 ship that you mentioned with that port, and whether he
13 would be there frequently or not to give him the local
14 information he required for safe navigation there.

15 THE WITNESS: Well, this particular ship,
16 my lord, arrived in Lewisporte -- I do not have the date --
17 he made one trip in during the season and requested the
18 services of a pilot which was supplied, but the following
19 trip she did not take a pilot.

20 COMMISSIONER SMITH: Thank you.

21 THE WITNESS: Not a Lewisporte District
22 Pilot; I don't know if there were any other pilots aboard.

23 BY MR. JACQUES:

24 Q. Can you tell what proportion of shipping
25 take pilots in this Lewisporte port; is 50 per cent,
26 25 per cent, 15 per cent, or 10 per cent of the total
27 number?

28 A. I would estimate 25 per cent.

29 Q. Only 25 per cent would take Lewisporte
30 pilots?



1 A. Yes.

2 Q. Now, then, within your own personal
3 knowledge have you seen ships in Lewisporte which entered
4 and left the harbour without a Lewisporte pilot but
5 apparently never had a pilot, in other districts?

6 A. I have seen ships enter Lewisporte and
7 leave without the services of a Lewisporte District Pilot;
8 they have arrived with pilots from other areas aboard but
9 if that pilot was in command, for piloting the ship in the
10 district I would not say. I suppose, my lord, if a pilot
11 boarded a ship off the Narrows of St. John's and brought
12 it down the coast he would certainly have to go into
13 Lewisporte in order to get off the ship. If he piloted
14 the ship into Lewisporte through a pilotage district I
15 would not be able to say.

16 Q. But you have seen it?

17 A. They have come in, yes, I have seen it.

18 Q. Does your Commission take the view that
19 the payment of pilotage dues is compulsory in Lewisporte?

20 A. The Lewisporte Pilotage Commission, no,
21 they do not; they do not consider compulsory pilotage in
22 Lewisporte.

23 Q. The compulsory payment of pilotage.

24 A. The compulsory payment of pilotage, I am
25 sorry.

26 Q. They don't?

27 A. No.

28 Q. Has this question ever been studied by
29 anyone?

30 A. Not locally, nor by the Commission.



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Q. If you would take your statement of receipts and expenditures for 1962, you have a list of companies, together with an amount inscribed at the end of each name, and this represents the total receipts for pilotage for 1962 in your district?

A. That is correct my lord.

Q. Now would you explain the expenditures which are listed at the bottom of the sheet?

A. The expenditures were the payments to the pilots. Paid Pilot Leo Dwyer, \$218.80, paid Pilot R. Primmer, \$188.07, paid Pilot D. Manuel, \$50.00.

Q. Would you explain to the Commission the reason for the difference between Captain Dwyer's payment and Captain Primmer's payment?

A. My lord, the payments were made according to the ships that were brought in. If a pilot brought in a ship he got paid the amount, less the 10 per cent held by the Commission.

Q. Would you explain that 10 per cent to the Commission?

A. I couldn't explain its origin, because it was explained to me on my accepting the office that 10 per cent was held by the Commission to pay any expenses incurred, like telegrams, arranging boats, or anything like that, the ordinary expenses of operating the Commission. The balance that was left over was shared equally among the Commission members at the end of the year.

Q. The balance of the 10 per cent after paying the various expenditures out of this 10 per cent was



1 shared by the Commission. Have you with you the detail of
2 the disposition of this 10 per cent for 1962? What was paid
3 out of that fund?

4 A. I have it with me, but not on this report.

5 Q. What did you do with the \$50.68?

6 A. \$50.68. Telegrams amounted to \$2.92.

7 A surcharge was paid at the bank to cover chequing, which
8 was \$.60, and the balance was shared equally among the
9 members of the Commission.

10 Q. What was the extent of that balance?

11 A. No, I am sorry, not equally. Mr. Manuel
12 received \$10.00. The Chairman and the Secretary received
13 \$18.30 each.

14 Q. Mr. Manuel, is he the same Manuel as is
15 listed here?

16 A. No, he is an old gentleman who has re-
17 tired. He was a captain, but he has been retired for many
18 years.

19 COMMISSIONER SMITH: In my by-law book,
20 the only by-law entry is this rates of pilotage. Is there
21 anything besides that?

22 MR. JACQUES: Not to my knowledge sir.

23 COMMISSIONER SMITH: This is the whole
24 story, is it?

25 MR. JACQUES: Yes sir.

26 THE CHAIRMAN: Ask the witness if he knows.

27 Q. How long has this been going on, retaining
28 10 per cent of the receipts?

29 A. Well my lord, I wouldn't know that. When
30 I assumed this position that was my instructions, and I have



1 nothing on paper, no rules, no by-laws, or anything to tell
2 me that that is what should be done. I just took the
3 Chairman of the Commission, who has been Chairman for quite
4 some time, his instructions, and followed them the best way
5 I knew how.

6 Q. Has there ever been any criticism of that
7 by the pilots, either Captain Dwyer, Captain Primmer or
8 Captain Manuel?

9 A. I have never heard of it.

10 Q. You have never heard of criticism in this
11 respect?

12 A. No, not in that respect.

13 Q. To the best of your knowledge, you said
14 a moment ago that you couldn't trace authority for doing
15 that in your by-law, is that correct?

16 A. I have no by-laws. This is the only thing
17 that I have, the rates of pilotage.

18 Q. Exhibit 259, to the best of your knowledge,
19 is the only by-law applicable to your District?

20 A. The only by-law applicable to the District
21 is correct, yes.

22 Q. You have never investigated this matter
23 to find out whether any other by-laws had been adopted?

24 A. No.

25 Q. And in your files since you took over as
26 Secretary, have you found anything which would indicate
27 that there were other rules, regulations, or by-laws
28 applicable to your District?

29 A. No sir, there is nothing in my records.

30 THE CHAIRMAN: Have you minute books?



1 THE WITNESS: A minutes book of meetings
2 yes, my lord, but not with me.

3 THE CHAIRMAN: How far back?

4 THE WITNESS: I have not the minute books
5 prior to 1960.

6 THE CHAIRMAN: Do you know if they are
7 in somebody's hands?

8 THE WITNESS: I would assume that the
9 Chairman, Mr. Woodford, would have them.

10 MR. JACQUES: The witness will have ready
11 for the Commission's inspection all the other documents
12 he didn't bring with him.

13 THE CHAIRMAN: And the minutes prior to
14 1960. It might be interesting to know the history of
15 this District.

16 THE WITNESS: I might not have them when
17 you arrive there, because the Chairman is in Montreal
18 for a month, but I will do my best to secure them for
19 you at the earliest possible date.

20 Q. Who collects the pilotage fees from the
21 ships?

22 A. I do.

23 Q. Where do you get the information in
24 order to establish whether a ship owes pilotage or not?

25 A. The only information is when the ship
26 is due the agents or owners, contact the Pilotage Commission
27 that she requires a pilot, contacts me. I arrange the
28 pilot, and when the ship arrives at Lewisporte I go aboard
29 the ship and present the bill to the Captain for his
30 signature. Sometimes the Captain pays the pilotage dues



1 himself, and more times I have to present the bill to the
2 agents for collection.

3 Q. Would this document be the bill that you
4 present?

5 A. This document is a copy of the type of
6 bill that I use.

7
8 ---EXHIBIT NO. 264: Copy of bill.

9
10 Q. What information do you enter on this
11 document?

12 A. At the top you have the date, then the
13 agent or owner, and the ship's name, the inward pilotage
14 showing the amount, the outward pilotage showing the amount,
15 and the total pilotage. It is certified underneath by
16 the Master of the ship.

17 Q. Who gives you the net tonnage of these
18 ships?

19 A. The Captain or Chief Officer.

20 Q. Have you ever checked whether this in=
21 formation which was told to you by the Captain or the
22 First Mate was exact?

23 A. I have never had any way to check. I
24 don't know any way that I could check. I don't have
25 a manual covering it. I would have no way to check if the
26 information given to me by the Chief Officer was false.
27 I wouldn't know.

28 Q. Are you aware that each ship carries
29 a certificate of registry, which is an official document,
30 and which gives the net tonnage?



1 A. I am not aware of that.

2 Q. Would you describe the facilities which
3 your pilots have to board and disembark ships?

4 A. The pilots buy their own facilities and
5 transportation to and from the pilot station, or ship.

6 Q. What sort of boat is used by the pilots?

7 A. It varies, my lord, depending. Mr. Dwyer
8 has a couple of boats of his own. He has a fairly large
9 boat, I am not sure of the tonnage. It would be 70, 80
10 tons, possibly. He has a smaller boat, which is some 20
11 tons, and whichever boat is available at the time she is
12 needed is the boat he uses, but Captain Primmer, or any
13 other pilot, I wouldn't know.

14 Q. Is there a pilot station in your District?

15 A. The pilot station is at Black Island, and
16 that is considered to be the area for ships picking up
17 pilots.

18 Q. What facilities are available at Black
19 Island?

20 A. There is a small watch house. I have never
21 seen it myself. I know it is there, and it is kept under
22 repair by the Commission at Lewisporte. When it was built,
23 or its condition, I wouldn't be prepared to say, but I
24 understand it is on the front of the Island for pilots
25 when they get instructions a ship is coming in to be able
26 to watch.

27 Q. You say it is repaired by the Commission
28 at its own cost. Where do you get the funds for the re-
29 pairs?

30 A. It so happens, my lord, that in the three



1 years I have been in this position we didn't have to do any
2 repairs to the building, but prior to that I wouldn't know.

3 Q. Would you look through your files and
4 find out how these bills were paid, and by whom, and when
5 and for what amount?

6 A. I would assume they were paid out of the
7 ten per cent.

8 Q. Would you check in your files and see
9 how this was done?

10 A. I will.

11 Q. Is this pilot station provided with a
12 telephone and living accommodation, or anything similar?

13 A. I don't think so, no, unless it is supplied
14 by the pilots, and I wouldn't know.

15 Q. In Lewisporte has the Commission its
16 own office?

17 A. No my lord.

18 Q. So all the documents are kept at your
19 office, or at home, I presume?

20 A. Right.

21 Q. The only remuneration you receive for
22 that is your portion of the 10 per cent at the end of the
23 year?

24 A. That is correct.

25 Q. Is there any pension fund in existence
26 for the Lewisporte pilots?

27 A. No.

28 Q. Has this ever been discussed by the pilots?

29 A. No.

30 Q. To the best of your knowledge are your



1 pilots under Workmen's Compensation?

2 A. No.

3 Q. You have no trace of that in your files at all

4 A. No.

5 Q. No. And again to the best of your knowledge,

6 are there any welfare plans of any kind applicable to your
7 pilots?

8 A. No.

9 Q. From what you said I understand that
10 Captain Dwyer is a shipowner?

11 A. That is correct.

12 Q. So his pilotage would be part time only,
13 would it not?

14 A. Part time only.

15 Q. And what about Captain Primmer?

16 A. He is a fishermen, and also a business
17 man at the community of Black Island.

18 Q. So for your two pilots this is only a
19 part time job?

20 A. It is my lord.

21 Q. You mentioned one case where a ship took
22 a pilot the first time she went in, and then the second
23 time she didn't take a pilot. Would you know of other
24 similar instances?

25 A. I am not prepared to give names of ships.
26 I don't have them in my references.

27 COMMISSIONER SMITH: What is the practice?
28 What is the usual custom, or practice?

29 THE WITNESS: Well, the ships just come and
30 go, and unless they ask the Commission for a pilot, that



1 is all we know. I go to work in the morning and say "that
2 is a very large ship over there". All I know is that it
3 is there.

4 COMMISSIONER SMITH: Counsel's question,
5 as I understood it, was are there any other ships which,
6 after having made one entry with a pilot, go back the second
7 or third time without a pilot?

8 THE WITNESS: I don't have a record of it
9 at all.

10 Q. I don't want to know whether you have a
11 record of it, from your own knowledge of going around the
12 port, whether this occurs regularly?

13 A. The ships do ply in and out of Lewisporte,
14 and the same ship will visit Lewisporte several times a
15 year, and never ask for the services of a pilot.

16 Q. During your three years, have you ever
17 been able to establish a pattern which would be this,
18 some strange ship, which you have never seen before, comes
19 in and takes a pilot, and when she returns she does not
20 take a pilot?

21 A. Not one particular ship no.

22 Q. In general is that what happens?

23 A. That a ship belonging to, or one firm
24 agents for different ships, the agents for different
25 ships, they will probably have one ship come in and take
26 a pilot. I don't know what would happen. But afterwards
27 they do not take a pilot, not a Lewisporte pilot. I don't
28 know if they would take a coastal pilot, or have another
29 pilot on board.

30 Q. Have you seen the pilot boat yourself?



1 A. I have seen the boats that Captain Dwyer
2 uses, but not Captain Primmer's.

3 Q. Do you know if his boats are equipped
4 with a flag, and marked, and rigged in order to show that
5 they are pilot boats?

6 A. No, I don't know.

7 Q. Have the Commissioners ever asked the
8 pilots to carry a flag, and to mark and rig their boats
9 in order to indicate that they are pilot boats?

10 A. Not to my knowledge.

11 MR. JACQUES: Not to your knowledge. Thank
12 you.

13 COMMISSIONER SMITH: Your lordship, just
14 a couple of questions.

15 Have there been any casualties in your District
16 in recent years?

17 THE WITNESS: Not with Lewisporte District
18 Pilots; I have no records of any casualties with Lewisporte
19 District Pilots. There have been accidents in the
20 harbour, but not involving Lewisporte Pilots.

21 COMMISSIONER SMITH: Without Lewisporte
22 Pilots, have there been any casualties?

23 THE WITNESS: Well, during 1962 a large
24 tanker collided with the Imperial Oil pier, knocking quite
25 a slice off the wooden pier.

26 COMMISSIONER SMITH: And that tanker did
27 not have a pilot aboard?

28 A. Not a Lewisporte pilot. I am not pre-
29 pared to say if there was not another pilot.

30 THE CHAIRMAN: I suppose a report had



1 to be made of this casualty?

2 MR. JACQUES: Well, it was a British ship; he
3 had to file a wreck report, sir.

4 THE CHAIRMAN: Will you try to find out?

5 MR. JACQUES: We will try to find out.

6 Would you recall the name of the ship?

7 THE WITNESS: No, I wouldn't know the name.

8 MR. JACQUES: Would you recall the month
9 in which this accident happened?

10 THE WITNESS: No.

11 THE CHAIRMAN: We may get some more inform-
12 ation when we are there.

13 MR. JACQUES: Yes, when we are there,
14 my lord.

15 COMMISSIONER SMITH: One more question.
16 How far is Lewisporte from Botwood?

17 THE WITNESS: I could tell you by road.
18 It is some 40 miles.

19 COMMISSIONER SMITH: And do the two districts
20 run into each other?

21 THE WITNESS: They meet.

22 COMMISSIONER SMITH: And it is not far
23 from Lewisporte to Botwood. I have a plan here, but I
24 haven't got dividers.

25 THE WITNESS: By ship?

26 COMMISSIONER SMITH: By water?

27 THE WITNESS: I wouldn't know the mileage,
28 but it is a fair distance due to the fact that they have
29 to go such a roundabout way.

30 COMMISSIONER SMITH: Have there ever been



1 any discussions about combining, amalgamating the two
2 districts, that you know of?

3 THE WITNESS: Not to my knowledge. It
4 may have been spoken of casually, but I would be afraid
5 to say. We have our Chamber of Commerce.

6 THE CHAIRMAN: Mr. Jacques, you will have
7 some evidence to put before the Commission with regard to
8 the necessity of pilotage over there, as to whether it is
9 a port that is safe, where a pilot could be done without
10 altogether?

11 MR. JACQUES: Yes. I tried to get Mr.
12 Dwyer down for the hearing, but I can't get him. This
13 gentleman here is not a seafarer, although he knows
14 the harbour. His evidence would not be the best. Perhaps
15 some of the St. John's pilots would know something about
16 it.

17 THE CHAIRMAN: If it has to be maintained
18 it has to be paid for by somebody.

19 MR. JACQUES: The services for Botwood,
20 Lewisporte and Port aux Basque come under the same Act,
21 and under that Act payment is compulsory, as far as Port
22 aux Basque is concerned, but Lewisporte has apparently
23 never studied the question, and upon reading the Act it
24 is a mute question. I would be inclined to favour the
25 fact that payment is compulsory.

26 THE CHAIRMAN: It needs clarification.

27 MR. JACQUES: Oh, it certainly does.

28 THE CHAIRMAN: So therefore I think we
29 should have the evidence to find out whether it is a
30 necessary service.



1 MR. JACQUES: Yes. I would go even further
2 than that. It seems to me that in order to claim compulsory
3 payment the pilot has to be out in his boat and the boat
4 marked and rigged before payment can be claimed.

5 COMMISSIONER SMITH: According to the
6 Department, they say: "It is not compulsory for shipping
7 using the port to take on a pilot or pay pilotage fee."

8 MR. JACQUES: That is the same Act, and
9 they feel differently about it. I could read the Statute
10 to you.

11 COMMISSIONER SMITH: I am not arguing
12 with you; I am just saying that that is the situation.

13 THE CHAIRMAN: Do I understand that Port
14 aux Basque pilots have to appear on the scene?

15 MR. JACQUES: I better read the act.

16 "All ships and vessels except his Majesty's
17 ships, vessels belonging to the Royal Yacht
18 Club, coasting shipping, vessels which have
19 not been boarded until they have come within
20 the limits fixed by the Commissioners, shall
21 be obliged to pay or take a pilot."

22 So if they have not been boarded until
23 they come within the limits, they have to take a pilot,
24 they have to pay. The pilot has no way of stopping the
25 ship and boarding the ship outside the limits.

26 THE WITNESS: My lord, the ships that are
27 listed in my reports, thinking of the importance of the
28 pilotage at Lewisporte and its necessity -- I am not think-
29 ing of navigational aids or anything of that type, I
30 am not well versed in that -- I think it is necessary in



1 my view and the Commission's view due to the fact that in
2 1962 you will note we had only six ships piloted by our
3 pilot, and these six ships were ships that came directly
4 from some foreign port to Lewisporte and had not picked up
5 a pilot at St. John's or any other port. Therefore we
6 would like, if it is possible, to maintain the Pilotage
7 Commission or pilotage at Lewisporte for the same reason,
8 that we could give the service to these ships. We would
9 like to say all ships, but we feel this is one necessity,
10 because a ship far out at sea and coming in needs a
11 pilot, and due to the fact, whether we are right or wrong,
12 that it is compulsory pilotage, there was not enough money
13 in it. There were times when we have had a request for a
14 pilot from some ship and the responsibility is left to
15 me personally, and I try to find out the size of the ship,
16 the type, and if it is a very large tanker or cargo ship
17 I have to try to get some captain, someone with a master's
18 ticket that could be depended on to bring the ship in,
19 because I feel quite a bit of responsibility in recommending
20 a man for a pilot.

21 You will note that in the reports, my lord,
22 none of these pilots are licensed.

23 THE CHAIRMAN: I have seen that.

24 THE WITNESS: I would like to say person-
25 ally that I wouldn't like to issue a licence to some of
26 the pilots we had in the past. To Mr. Dwyer I did feel
27 free to issue him a licence this year, but I didn't like
28 to issue him with a licence because I was afraid of
29 what would occur.

30 I felt I would like to go on the record as



1 saying that pilots are necessary at Lewisporte. Thank you,
2 my lord.

3 THE CHAIRMAN: That is why I say some
4 evidence is required to be adduced on the subject. If the
5 service is necessary, I think it should be arranged that
6 a good service should be rendered.

7 THE WITNESS: Thank you, my lord.

8 THE CHAIRMAN: If it isn't paid for, there
9 is always the question of incentive.

10

11 ALFRED KEAN, sworn

12 DIRECT EXAMINATION BY MR. JACQUES:

13 Q. What is your full name, please?

14 A. Alfred Kean.

15 Q. What is your age?

16 A. 56.

17 Q. And what is your occupation?

18 A. St. John's Harbour Pilot.

19 Q. I take it, then, that you are a mariner?

20 A. Yes.

21 Q. Have you ever been to Lewisporte?

22 A. Many times.

23 Q. In what capacity did you go there?

24 A. I was there as master and pilot on two
25 occasions. I have been there as master many times, I don't
26 know how many times, but as a pilot on two occasions.

27 Q. Would you explain to the Commission the
28 navigation which is required in order to go to Lewisporte
29 from Black Island, which is the pilot station, what route
30 you would follow and what you would meet?



1 A. From Black Island to Lewisporte I think the
2 distance is somewhere around 26 miles. Well, there are a
3 few shoals going in there at Mussel Bank and Sandy Bay, and
4 there is a possibility, if you don't know going through it,
5 of going through the wrong channel. There are many
6 islands, and there is a possibility of going in the wrong
7 channel, going up to the left.

8 Q. What would happen if you went through
9 the wrong channel?

10 A. You could strike the ship.

11 Q. Going up to Mussel Bank are these various
12 channels marked in any way?

13 A. Yes, some are navigable and some are not.

14 Q. Would foreign masters have enough in-
15 dications by land marks, aids to navigation, to know that
16 they are going in the right channel?

17 A. I don't know about the first time; I
18 think it would take a lot of courage the first time, but
19 after awhile he would get to know it.

20 THE CHAIRMAN: Those channels which you
21 are mentioning, are they within the Lewisporte limits or
22 outside?

23 THE WITNESS: Yes, my lord, after you pass
24 Black Island you are going in towards Lewisporte. Black
25 Island is the outer limit. It is between islands most of
26 the way, you pass between island.

27 THE CHAIRMAN: Would it be harbour piloting
28 there or coastal piloting?

29 THE WITNESS: It is supposed to be harbour
30 piloting at Lewisporte. The pilot station is supposed to be



1 at Black Island.

2 Q. Now, sir, on Chart 4490, which is Exhibit
3 237, would you indicate Black Island, please, with a red
4 circle?

5 A. This is Black Island in here.

6 Q. Would you make a large red circle around
7 Black Island?

8 A. (Witness complies)

9 Q. Now, sir, turning over to Chart 4598,
10 which is Exhibit 235, would you indicate with a red line
11 the route you follow from Black Island down to Lewisporte;
12 and then would you continue this route on Chart 4599, which
13 is Exhibit 236?

14 A. (Witness complies)

15 Q. Now, sir, from Black Island going south
16 on Chart 4598 the channel seems fairly clear, without any
17 obstructions?

18 A. If you are going in here you see where
19 you are going in is fairly good, but there are shoals
20 up there. If you get into fog, thick weather, you have
21 to be careful!

22 Q. Would radar be of any use going in that
23 channel?

24 A. Yes.

25 Q. You say the run is a 26-mile run?

26 A. I am not sure; I think it is 24, 26 miles.

27 Q. Now, sir, taking Chart 4599 would you
28 outline and explain the danger on the route to Lewisporte
29 if there are any?

30 A. Well, if you are right in the channel the



1 dangers are small, but if you get out --

2 COMMISSIONER SMITH: How wide is the
3 channel?

4 THE WITNESS: This varies; the widths
5 vary, from two, three miles, three, four, five or six
6 miles until you get down to half a mile and about a
7 quarter, when you get up to a mile across, it is very
8 wide, and it narrows to about half a mile wide as you
9 near the entrance, the approaches to the harbour.

10 Q. Near the approaches to Lewisporte the
11 channel narrows down to half a mile?

12 A. About that.

13 Q. Would that be the narrowest part of the
14 channel?

15 A. The narrowest part of the channel between
16 the island and the land.

17 Q. Which island?

18 A. Cat Island and Freak Island.

19 Q. How wide would the channel be there?

20 A. I guess about a quarter of a mile.

21 Q. In the trip down from Black Island to
22 Cat Island what would be the average width of the channel?

23 A. Well, now, I am not so sure of the average
24 width; I think it would be somewhere between three and
25 four miles.

26 Q. Would it get narrower than three miles?

27 A. It would in places, especially at the
28 start. Then you get to Indian Island and it is very
29 wide across there.

30 Q. What would be the narrowest part of the



1 channel down from Black Island to Cat Island, excluding Cat
2 Island?

3 A. It would be Black Island across to Notre
4 Dame Island, New World Island, between Black Island and
5 Moreton's Harbour.

6 Q. Between Black Island and which one?

7 A. Black Island there, this island here
8 and Moreton's Harbour, and this big island, New World
9 Island.

10 Q. New World Island?

11 A. And Black Island.

12 Q. Black Island to Bridgeport Harbour Head?

13 A. This island here.

14 Q. Green Island; after New World Island that
15 would be the narrowest part of the channel from Black Island
16 to Cat Island?

17 A. I think until you get by Cat Island.

18 Q. When you get to Cat Island the channel
19 narrows down to a quarter of a mile?

20 A. That is, if you are going in between Cat
21 Island and Freak Island it narrows to a quarter of a mile.

22 Q. How long would this narrow part of the
23 channel be between Cat Island and Freak Island?

24 A. Not long, about -- from the time you get
25 to Cat Island and Freak Island, about a mile, half a mile,
26 I don't think it is.

27 Q. Now, entering Lewisporte Harbour itself,
28 which is shown on Chart 4526, Exhibit 227, would you
29 indicate the main dangers to navigation, if there are any?

30 A. The dangers -- there they narrow -- after



1 Freak Island, if you want to go the long way there is
2 a shoal there and there is a shoal in the beach from
3 the island; we call it a beach. but this is ---

4 Q. This is the shoal that you mentioned; is
5 it marked in any way?

6 A. No. The Mussel Bank is not marked, a shoal
7 off Cat Island.

8 Q. Are there any aids to navigation which would
9 enable a ship to fix her position in that area and avoid
10 the shoal?

11 A. Yes, a lighthouse. A lighthouse is out there
12 on Gull Island, I think it is called.

13 Q. There is a lighthouse?

14 A. On Gull Island.

15 Q. The landmarks are well defined and quite
16 clear, and could they be used for navigating a ship?

17 A. Yes, once you know it. The radar is a
18 marvellous thing. Once you know the marks in to the island.
19 The radar is a great aid going up there. When you know
20 the distance you keep in line, the points of the shoals
21 set out which allows you to go on up the channel.

22 Q. Now, based on your experience at sea and
23 your knowledge of Lewisporte do you think that the assist-
24 ance of a pilot is necessary for shipping?

25 A. I think so.

26 Q. You think so?

27 A. Because most people who frequent these points,
28 they maybe go only once in a lifetime with a different
29 ship nearly every time. It may be Norwegian this time,
30 Swedish next time, and Panamanian after that. They may



/RPS

1 never go there again. Usually they are all tankers.

2 Q. Do you think that if the master went there
3 every month, let us say, that he could become familiar
4 enough with the place so that he would not need a pilot?

5 A. Well, that depends on the master. Some
6 masters take a pilot if he is available, and some try
7 to run on themselves, but the average master who is
8 used to frequenting these points depends on pilots; they
9 accept them because they are used to them in every part
10 of the world. When you get a pilot on board your job is
11 finished.

12 Q. What about inside the harbour, docking the
13 ships, and so forth. Are there any peculiar difficulties?

14 A. No, only near the shore, if you are going
15 past the line of the piers with heavy ships.

16 COMMISSIONER SMITH: What is the depth of the
17 water?

18 THE WITNESS: 30 to 34 feet in by the Imperial
19 Oil.

20 Q. That is low tide?

21 A. Low tide.

22 Q. What is the range of the tide in Lewisporte?

23 A. Around four feet, four and a half feet.

24 Q. Not very much.

25 A. About the same as the port of St. John's;
26 the range is around four to four and a half feet.

27 Q. Have you yourself acted as a coastal pilot
28 taking ships from St. John's to Lewisporte?

29 A. I have gone to Lewisporte twice as a coastal
30 pilot, once on a tanker and another time on a deep sea



1 tug towing a barge.

2 Q. Did you take a Lewisporte pilot?

3 A. At the time we went there in the tanker
4 it was a Sunday and we could not contact them, so we went
5 in on our own. The last time I went with a tug I did
6 not try to get a pilot; we just blew -- we did not delay,
7 we just blew off the station on Black Island, we blew the
8 whistle; there was no sign of anyone there and we carried
9 on to Lewisporte.

10 Q. That is when you went there?

11 A. Yes.

12 MR. JACQUES: I think all of the information
13 concerning Lewisporte we can get when we are there.

14 COMMISSIONER SMITH: Captain, you also piloted,
15 I presume, to Botwood.

16 THE WITNESS: Many times to Botwood, but there
17 is a pilot at Botwood. You can get a pilot at Botwood
18 most any time apart from the wintertime when the ice is
19 in.

20 COMMISSIONER SMITH: I do not want to get
21 into that phase of it; what I was thinking about was
22 getting some technical information about the pilotage,
23 the depth of water, the depth of the channel and other
24 technical information with regard to the navigational
25 aspects only of piloting into Botwood. Is it safe?

26 THE WITNESS: Yes, it is. You can go the
27 wrong way if you are not acquainted with it, especially
28 in the night time. A lot of the ships go out in the
29 night time in the dark and carry on.

30 COMMISSIONER SMITH: It would hardly be safe



1 for a strange master at night time to attempt to take a
2 ship in and try to go to the pier at Botwood.

3 THE WITNESS: No, I don't think so. If you
4 are there for the first time you do not know where you
5 are going most of the time, and bear out from the light
6 going in, and on shore point, just to the east, Sandy
7 Point ---

8 COMMISSIONER SMITH: I have a very small chart
9 in front of me and it is difficult to make out the figures,
10 but it would look as if there is plenty of depth.

11 THE WITNESS: Lots of water, 360 fathoms off
12 the pilot station.

13 THE CHAIRMAN: Is the route to Lewisporte the
14 same as the one to Botwood?

15 THE WITNESS: No, my lord.

16 THE CHAIRMAN: It is different?

17 THE WITNESS: There is Exploits Island and
18 Black Island. They are two islands. There is Black
19 Island and Exploits Island, leave the two islands, Exploits
20 and Black Island to the port and when you are sailing
21 to Lewisporte ---

22 THE CHAIRMAN: Therefore, ships that are going
23 to Botwood would not use the 26 mile lane that you spoke
24 of?

25 THE WITNESS: It is a different channel, my
26 lord, a different fiord.

27 MR. JACQUES: When you took the ship from St.
28 John's to Lewisporte as a coastal pilot you said you went
29 there twice, and twice you did not take a pilot; is
30 there a special fee that you charge for taking a ship into



1 Lewisporte from Black Island?

2 A. We didn't charge anything because we
3 understood there was compulsory pilot in Lewisporte;
4 we were just doing it as a favour when the pilots were
5 not on duty; we did not charge anything for going in
6 and out of those ports; we just charged from St. John's
7 to Black Island pilot station; that was gratuitous
8 going in and coming out.

9 Q. But you did pilot a ship in and out?

10 A. That is right.

11 Q. No charge made for that?

12 A. No charge.

13 Q. Do you know if the other St. John's pilots
14 engaged in the coastal work did the same thing as you
15 did, that is, make no charge for taking a ship in?

16 A. That is right.

17 Q. That is right also?

18 A. Our St. John's pilots; I don't know what
19 the coastal pilots did.

20 Q. No, I am not talking about the coastal
21 pilots; I am talking about the St. John's pilot acting
22 as coastal pilot.

23 A. Don't charge for Lewisporte.

24 Q. What about Botwood?

25 A. No, if we go up without a pilot, any of
26 our regular pilots staying at Botwood, there is compulsory
27 pilotage in the port; they have regular pilots on the
28 station all the time when they can get there.
29 In the winter when the ice is in the channel they can't
30 get down and we take the ship up; we don't charge anything.



1 Q. The other pilots never charge anything
2 either?

3 A. As far as I know the Botwood pilot charges
4 a fee but we didn't charge anything.

5 THE CHAIRMAN: It is the same as at Lewisporte
6 from what I can gather from your evidence. I get it
7 from your evidence that with respect to the pilot it is
8 not just a matter of docking the ship but navigating it
9 down to the port; is that right?

10 THE WITNESS: That is right; like I said, most
11 of the ships coming in are foreign, and the first time
12 they are not going in without a pilot, not very many of
13 them would take a chance. They are used to pilots; they
14 will stay there until they get one.

15 THE CHAIRMAN: Thank you very much.

16 -----

17

18 MARMADUKE COLLINS, Sworn

19

20 DIRECT EXAMINATION BY MR. JACQUES:

21 Q. What is your full name and age, sir?

22 A. Marmaduke.

23 Q. How old are you?

24 A. 33.

25 Q. Are you a St. John's pilot?

26 A. Yes.

27 Q. How long have you been a St. John's
28 pilot?

29 A. Three years.

30 Q. Do you hold any certificate of competency



1 as a mariner?

2 A. Master foreign going.

3 Q. How much experience have you had at sea
4 before becoming a pilot?

5 A. Three years, four years as mate, four
6 years as master.

7 Q. Four years as master; on what ships were
8 you?

9 A. Canadian National ships.

10 Q. Coastal ships here in Newfoundland?

11 A. Coastal ships here in Newfoundland.

12 Q. You have heard the evidence given by
13 pilot Kean as regards navigation from Black Island to
14 Lewisporte. Have you been to Lewisporte?

15 A. Many times.

16 Q. Do you agree with what he has said?

17 A. I think so, yes.

18 Q. What about Botwood; what are your views
19 on Botwood? Do you think a pilot is necessary to go
20 to Botwood?

21 A. I think so, yes.

22 Q. Why?

23 A. The channel is 30 miles. Through the
24 many islands there is a channel there and many islands,
25 although the water depths are great there seems to be
26 or appears to a master approaching a landlock entrance;
27 what I mean, an entrance that can't be seen in a
28 straight line, we might say corners to turn that cannot
29 be seen until they are arrived at, although there is a
30 good planned chart.



1 Q. Are these corners and entrances marked
2 in any way?

3 A. In the Botwood channel, yes, there are
4 lights on some of the islands going in there but into
5 the Lewisporte channel there are only two lights indic-
6 ating the entrance going in.

7 MR. JACQUES: Thank you, sir. Now, there
8 remains to finish up the evidence of the St. John's
9 district ---

10 THE CHAIRMAN: Is there anyone here from
11 Botwood?

12 MR. JACQUES: No, the Botwood people will be
13 in Corner Brook. Since we were here and we discussed
14 Botwood I thought we might ask some of the gentlemen
15 their views in that regard.

16 THE CHAIRMAN: Is Crosbie here?

17 MR. JACQUES: No, Mr. Crosbie is out of
18 Newfoundland and Mr. Ayer is in Europe. They have been
19 replaced by Mr. Divine and Mr. Clancy.

20 THE CHAIRMAN: And they have been heard?

21 MR. JACQUES: Yes, my lord.

22

23 WILLIAM HANCOCK, Sworn, Recalled

24 CROSS-EXAMINATION BY MR. JACQUES: (Continued)

25

26 Q. Sir, what is your full name?

27 A. William Charles Hancock.

28 Q. And you were here yesterday on behalf
29 of the St. John's pilots, were you not?

30 A. Yes, sir.



1 Q. From documents which have been filed
2 already we know that the busiest month of the harbour
3 as regards pilots during the year 1962 was the month
4 of May. I show you here the diary which is kept by the
5 pilots. On page 55, which is the month of May, near the
6 bottom it starts with May 23. Would you explain what
7 each of the columns shown in this book contain?

/RPS 8 A. The first column, "Magdeburg", the second
9 column is the date, May the 23rd.

10 Q. What is that date? Is that the date of
11 arrival?

12 A. Yes sir, 1962.

13 Q. The date on which your services were
14 used, I presume?

15 A. It is the date of the arrival of that
16 ship, whether or not our services were used. If the
17 ship is liable for pilotage it is recorded in this book.
18 This is the record of all ships that are liable for
19 pilotage, whether or not pilots were aboard of them.
20 The third column shows the net tonnage.

21 Q. Where do you get this figure?

22 A. In the cases where the pilot was aboard,
23 the master prepares the tonnage, enters it on the pilot's
24 certificate, and signs the certificate, which is handed
25 to the pilot. That tonnage is generally checked in
26 Lloyds registry.

27 Q. By whom is it checked?

28 A. By the Master Pilot. If there is any
29 discrepancy, either the agent will be telephoned
30 or the customs, to obtain a check on the ships register,



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and in case of discrepancy the ship's register

1 is usually taken as the tonnage to be used for pilotage
2 purposes.

3 The fourth column is the scale fee, that is
4 the actual amount of pilotage for which the ship is
5 liable. In this case it is \$25.20.

6 Q. What does it mean in your book when we
7 see no entry in the scale fee column, nor under the
8 tonnage column?

9 A. The previous entry is for a ship, "Adelia
10 Maria". That ship was in the port at the time. She
11 arrived at a previous date, and on this particular date
12 there is no entry in the net tonnage column, nor the
13 scale fee column, but there is an entry in the shifting
14 column, \$10.00. That ship was shifted by a pilot, or
15 shifted from one berth to another, or from anchorage to
16 a berth, or vice versa, and a charge of ten dollars was
17 made, according to the tariff.

18 Q. What does the next column show?

19 A. The one for the "Magdeburg", or the
20 "Adelia Maria"?

21 Q. You have dealt with the columns for net
22 tons, scale fee, and shift?

23 A. The next column shows three per cent
24 maintenance. This is a surcharge of three per cent added
25 to the basic scale fee, or shift fee, and this amount
26 is retained by the Commission for their operating
27 expenses. The amount shown in the scale fee column is
28 the amount earned by the pilots. The amount in the three
29 per cent maintenance column is the amount retained by
30 the Commission.



1 Q. And the next column is the total of the
2 dues charged to the ship?

3 A. That is right, for billing purposes.

4 Q. And these columns continue. On page 56 we
5 have mention of inward, outward, and shifting, with
6 names in each column?

7 A. There is a double column headed pilot
8 inward and pilot outward. In the case of the "Magdeburg"
9 Captain Collins had piloted the ship inward. Captain
10 Linegar piloted the ship outward, and in a further column
11 it gives the times.

12 The next column is a shifting column, to show
13 who would be the pilot shifting. In this case there is
14 no entry.

15 The next two columns show the time in and out
16 for that ship.

17 Q. What are the times for the "Magdeburg"?
18 I see 0630 in. When is that time taken?

19 A. On this date.

20 Q. Yes, but is it when the pilot boards the
21 ship, when she is reported, or the time she comes through
22 the Narrows?

23 A. Inward, the time she passes Chain Rock,
24 and outward the time is the approximate time the ship is
25 in the Narrows, and the pilot leaves, or at the Heads.

26 Q. That would not be Chain Rock?

27 A. Now, these times are not exact, and in
28 any query where time is asked for we usually suggest that
29 they refer to the ship's log, the ship's records, to see
30 the correct time that the pilot boarded or left.



1 Q. How accurate would you say it is? Within
2 ten minutes, five minutes?

3 A. Five or ten minutes generally.

4 Q. And the next column indicates date of
5 payment?

6 A. Yes.

7 Q. And the last column is a list of, apparently,
8 the pilots on duty for May the 21st. We see various
9 dates and various names. These would be the pilots on
10 watch?

11 A. That would indicate that on May the 21st,
12 at 1800, pilots Collins, King, Keane, and Hancock were
13 on duty, and remained on duty until -- there would be
14 another entry for the other watch coming on.

15 Q. Which would be, according to your practice,
16 May the 26th?

17 A. That would be right, that is right sir,
18 May the 26th at 1800. Puddister, Linegar, Goodyear and
19 Gatherall on duty.

20 Q. I browsed through your book, and found
21 that May the 23rd was about the busiest day in the month of
22 May. If you don't agree with me, you may check, if you
23 wish.

24 Would you tell me how many jobs were done during
25 the 23rd of May, 1962?

26 A. On the 23rd of May we have eight ships
27 inward.

28 Q. Eight inward, and could you tell how
29 many outward?

30 A. That is more difficult to ascertain from



1 this book, because it is possible that a ship that had
2 arrived a week before sailed on that day, but the entry
3 for sailing would be logged on the page it was shown
4 inward on. I would have to go back a reasonable time,
5 a week or more, to see the date that those ships sailed.
6 It is easy to count the shiftings. They are shown in
7 order. May the 23rd, the "Adelia Maria", one shifting.
8 There were eight shiftings.

9 Q. From the time you board the pilot boat to go out to board
10 a ship coming in, until the time you board the ship, how
11 long is it?

12 A. That can vary from 30 minutes up to
13 3 or 4 hours.

14 Q. And what would be the cause of that
15 wide variation?

16 A. If we have an E.T.A. for a ship, we usually
17 leave 30 minutes before that time, unless you sight it,
18 or heard from it earlier. When the ship is not in sight,
19 we leave 30 minutes before the time, and that is the
20 normal practice. If the ship is on time, or a little
21 early, we could easily be aboard of that ship less than
22 30 minutes after we leave the pilot station.

23 Q. What is the usual occurrence? Are ships
24 usually on time, or usually behind time?

25 A. There is a lot of them behind time, esp-
26 ecially in the winter, and bad weather, and at night. I
27 would say there is roughly half of them aren't on time,
28 and that includes ships of which I have been master.
29 You usually get something to slow you down and put you
30 behind time.



1 Q. So the time involved in boarding the
2 ship would vary from 30 minutes in normal conditions
3 to up to three or four hours when the ship is delayed,
4 or the weather is bad?

5 A. That is right.

6 Q. How long would it take you to take a ship
7 from wherever you board to any berth inside the harbour?

8 A. I would say it would take about an
9 hour. It generally does. From the time the pilot is
10 aboard outside say two miles off, until the time the
11 ship is tied up it is easily an hour, and in the case
12 of the largest ships we have here it is certainly more
13 than an hour. It may be two to three hours by the time
14 she is finally secured.

15 Q. Does it happen very often that you have
16 a job which takes two to three hours?

17 A. No, not too often. The ore carriers, or
18 tankers, or large ships.

19 Q. To shift within the harbour how much time
20 does that consume from the time you leave the pilot
21 station until the time you get on board, let us say from
22 one end of the harbour to the other?

23 A. Most of the time, most times I would say
24 that you go to shift they are not ready. They call you
25 in good time, but then you have to wait until they are
26 ready. It is difficult to say an average time. With
27 small craft, and a typical day, and a short shift, you
28 can accomplish that in half an hour up to perhaps two
29 hours.

30 Q. What would cause such a discrepancy?



1 A. Well, the size of the ship for one thing,
2 and whether you are using tugs. The number of lines.
3 The pier, and then the weather conditions, of course.
4 You may have to use anchors to turn. Or you may have
5 to take a ship away from inside of another ship.

6 Q. Does that happen very often?

7 A. That happens quite often with the trawler
8 type of ship.

9 Q. On the average, how many hours do you work
10 a day, say during the month of May 1962 on any day, on
11 your busiest day, how many hours of work do you put in?

E2

12 I am not asking for standby time at the station, but either
13 going to the ship or coming back from the ship, or shifting
14 a ship?

15 A. We don't keep any records of the time
16 we leave the pilot station to go out in the boats. It
17 is just too difficult for me to estimate how much time
18 we spend out of the pilot station.

19 Q. I forgot to ask you about leaving the
20 harbour. How long does it take you from the time you
21 board these ships to let go the lines and take her out
22 of the harbour, and then board the pilot boat?

23 A. It can be easily done in half an hour if
24 they are ready, if they have everything secured, the
25 derricks down, the hatches on, the crew aboard, and engines
26 ready, and so on, when you arrive on board, and the
27 ship is ready then to slip, and it is easy to get away.
28 You could be easily let go and out through and off the
29 ship in half an hour.

30 Q. How long would it take you to come back to



1 the pilot station in the pilot boat?

2 A. About ten or fifteen minutes.

3 Q. So it is roughly an hour and fifteen
4 minutes to three hours to take a ship out?

5 A. That is not an average. That is a quick
6 job. That is a quick dispatch. It happens quite often
7 that the ship is supposed to be ready. The agent ordered
8 the pilot, you go aboard and the crew are not aboard,
9 and quite often we come back to the pilot station after
10 waiting up to an hour. We generally wait an hour, and
11 then if the master agrees we will go back to the pilot
12 station, and then he will signal when the crew are on
13 board. That is a common occurrence, delay through
14 waiting on the ship.

15 Q. If you couldn't tell me the number of
16 hours you worked, could you tell me, out of your own
17 personal experience, the number of jobs you did on your
18 busiest day in 1962?

19 A. I can't tell you the number of jobs I
20 did on my busiest day in 1962, but I can tell you the
21 number of jobs that, as far as I remember, are the most
22 jobs I have done myself since I have been in pilotage.
23 That is seven jobs. I can't tell you what they were.
24 I remember the figure of seven. There were some inward,
25 and I think some shiftings.

26 Q. When was that?

27 A. That was during one of the hurricanes.
28 It might have been 1958 or 1959.

29 Q. To the best of your memory, do you know
30 how many jobs the other pilots did?



1 Q. I have heard, if that is permissible,
2 I have heard other pilots say --

3 MR. JACQUES: Yes, go ahead and say it.

4 MR. LANGLOIS: It is a bad example you know.

5 THE WITNESS: That they had had in, I believe
6 upwards of ten ships. Inwards this is.

7 Q. On May the 23rd 1962 you were on watch.
8 Could you tell me how many jobs you did on that day?

9 A. Apparently on May the 23rd I had one
10 ship inward, two ships outward at least, and no
11 shiftings, and possibly other ships outward, if I go
12 back.

13 Q. Yes, I realize that it is very unfortunate
14 that we have not got all the information, but you might
15 look, if you wish, through the preceding pages, and
16 ascertain whether there are any entries for May 23rd?

/RPS 17 A. Three outwards.

18 Q. Three outwards. And how many inward?

19 A. One inward.

20 Q. Would you give the times of these various
21 jobs, what times they were performed during the day?

22 A. The inward is shown as 0700 hours.

23 Q. Seven o'clock in the morning?

24 A. Yes.

25 Q. And the outwards?

26 A. 0030. The outward at 1630. It looks like
27 I will have to correct that. There was one outward plus
28 an outward here. Still two outward but not the same.

29 Q. Would you consider that an average day?

30 A. Three jobs? That is probably more than an



1 average day. It is not every day we get three jobs
2 each.

3 MR. JACQUES: Thank you. We will take this
4 book with us to Ottawa, if you have no objections, and
5 try to compile some information.

6 MR. LANGLOIS: As long as the book is returned,
7 it is all right.

8 MR. JACQUES: Oh, yes, it will be returned.

9 THE CHAIRMAN: That is the 1962 one?

10 MR. JACQUES: It is the 1962 one.

11 COMMISSIONER SMITH: If your lordship pleases,
12 I would like to ask one or two questions.

13

14 BY COMMISSIONER SMITH:

15 Q. Captain, I would like to get your opinion
16 on a somewhat controversial question. You don't have to
17 answer it if you don't want to.

18 What is your view about compulsory pilotage in
19 contra-distinction to just the payment of dues and not
20 having a pilot? In other words, compelled to take a
21 pilot or else exempt by the statute or by-laws under the
22 statutes, or not taking a pilot and paying the dues.

23 A. Yes, sir. May I quote what I have seen
24 in foreign ports. Generally there is compulsory pilot-
25 age and compulsory payment of pilotage, to take the
26 pilot automatically, with rare exceptions. The taking
27 of the pilot is compulsory, as far as we understand. I
28 think it should be either one thing or the other, the
29 compulsory taking of pilots and paying the pilots or else
30 non-compulsory.



1 Q. Either voluntary or obligatory?

2 A. Yes.

3

4 BY THE CHAIRMAN:

5 Q. Wouldn't it be that in certain waters it
6 is very dangerous, that even under ideal conditions the
7 master would need local knowledge? Do you agree that in
8 cases like that the pilotage should be compulsory?

9 A. Yes, your lordship.

10 Q. In other cases a master with good charts
11 and good aids to navigation could proceed, but when the
12 conditions are not so good, like ice, fog, winds, things
13 like that, and he asks for a pilot, in that case a service
14 has to be maintained and therefore it has to be paid for.
15 In that case only the dues for pilotage should be
16 compulsory. I am trying to distinguish between the two
17 systems.

18 A. As far as we can understand, the Canadian
19 principle is different from the British principle. We
20 have always understood that the taking of the pilot plus
21 the payment of the pilot is compulsory in the British
22 Isles.

23 Q. Yes, but if it is based only on safety
24 of navigation, if it is a question of safety and if it
25 is necessary, well, everybody should take a pilot.

26 A. Yes, sir.

27 Q. Under other circumstance it may not be
28 necessary to take a pilot, but, on the other hand, the
29 service has to be maintained because in other circum-
30 stances a pilot would be necessary and then only the fees



1 would have to be paid.

2 A. Yes. We have to bear in mind human nature.
3 Masters are human, and I would say that most masters like
4 to have the thing established. If pilotage is compulsory
5 and payment is compulsory, then they are glad of that,
6 they have no reason not to take a pilot. If there is
7 no obligation to take a pilot in some places and in other
8 cases where there is no obligation to pay pilotage if they
9 don't have a pilot, there is a certain pressure on the
10 masters not to take the pilot or not to pay the pilotage
11 and he will take more risks, unless there is a firm
12 regulation that he must take a pilot and pay the pilotage.

13

14 BY COMMISSIONER RENWICK:

15 Q. Captain, under your second situation where
16 you said that you thought it should either be compulsory
17 pilotage or an open field, as I interpreted your remarks,
18 would the condition not arise whereby your pilotage
19 service would be utilized only in foul weather and you
20 would have to be a standby organization which would not
21 be self-sustaining? It would seem to be that that wouldn't
22 be fair to the pilots as a group.

23 A. I was thinking of an open roadstead where
24 a tanker could anchor and load through a pipeline and
25 pilotage would only be a formality. With an open
26 roadstead where a tanker could anchor, there is not too
27 much necessity for pilotage at any time, to be quite
28 honest.

29 COMMISSIONER SMITH: Correct me if I am wrong,
30 it is my recollection that there is a type of compulsion



1 for pilotage on the Great Lakes now. That is correct,
2 isn't it?

3 MR. JACQUES: Yes.

4 COMMISSIONER SMITH: They must take a pilot
5 or a certificated officer.

6 MR. JACQUES: Yes.

7 COMMISSIONER SMITH: And it is mandatory, not
8 optional.

9 MR. JACQUES: Before you go have you a table
10 of differences to various ports, from St. John's?

11 A. Would could supply a table of differences.
12 I just have a copy here in a notebook.

13 Q. Perhaps you would copy it and forward a
14 few copies to the Commission. It gives the distances
15 to Bell Island, Catalina, Lewisporte, Botwood, etc. Would
16 these be the ports a ship would be most likely to go to
17 from St. John's on coastal jobs?

18 A. Yes, these are ports where we would likely
19 be asked to go, most of these places, yes.

20 Q. You will send a copy to the Commission?

21 A. Yes.

22 MR. LANGLOIS: Only a few questions, my lord,
23 to clarify one point.

24

25 RE-EXAMINATION BY MR. LANGLOIS:

26 Q. Captain Hancock, you run in watches of
27 four men, four pilots?

28 A. Yes, sir.

29 Q. 24 hours on duty?

30 A. Yes.



1 Q. And if I understood your testimony correctly,
2 you keep at all times a telephone, land telephone and
3 radio telephone watch in your dispatch office?

4 A. Yes, sir.

5 Q. Then you always have one of the four
6 pilots doing that?

7 A. Yes, sir.

8 Q. Do you take turn taking these radio tele-
9 phone and land telephone watches?

10 A. When the master pilot is there on the
11 station he generally answers the telephone and handles
12 any radio calls. In his absence, when he is on a job,
13 one of the other pilots will handle the telephone and
14 radio.

15 Q. So your radio telephone is manned 24 hours
16 a day?

17 A. Throughout the year, sir.

18 MR. JACQUES: Thank you very much, sir.

19

20 BY THE CHAIRMAN:

21 Q. Could I say that the main hazards here
22 in St. John's are, on one hand, the narrowness of your
23 port, of its entrance, and also, on the other hand, the
24 heavy traffic, especially of small craft, like fishing
25 vessels -- all that combined make it very difficult even
26 for small craft; and, as you mentioned in your brief,
27 St. John's is a relatively small port for large ships.

28 A. Yes, sir.

29 Q. And therefore if the normal exemptions under
30



1 the Canada Shipping Act were brought here and all those
2 small fishing vessels were left free to enter and go
3 through the Narrows and do whatever they wanted here in
4 the port, the port would be quite a dangerous one for
5 anyone venturing in?

6 A. Yes, we think that.

7 Q. It is not only a question of income for
8 the pilots?

9 A. Well, it is also.

10 Q. It is also, but it is not the main reason.
11 The main reason would be the safety of the port.

12 A. As pilots we would say yes, that would be
13 the main reason, but as individuals the income is import-
14 ant also.

15 Q. Of course, the service has to be maintained,
16 but if all these shipping vessels were left free to do
17 whatever they wanted in the port, to go through the
18 Narrows whenever they wanted, and so on, would it be
19 disastrous to bring in a ship here?

20 A. I don't think one would have the courage
21 to be a pilot here if they were left on their own; they
22 would be a menace.

23 Q. And on account of the situation of the
24 harbour, this situation is bound to stay?

25 A. I would say yes, sir, the situation is
26 liable to stay. These ships have been coming for many
27 years and their fleets are increasing; they are building
28 new ships every year to replace ships.

29 Q. And bigger ships?

30 A. Yes, and ship of all nationalities; for



1 instance, East German, Polish, Latvian and Russian.

2 THE CHAIRMAN: Thank you very much.

3 MR. JACQUES: The only information I have been
4 able to obtain as regards Catalina is this information
5 received from Mr. Etchecary of Fishery Products Limited
6 and pilotage at Port Union, Catalina.

7 The Dundee is a ship which goes to Catalina
8 quite often and she will not enter the harbour without
9 a pilot. There are two pilots, Mr. Joseph Manuel and
10 Mr. James McNamara. The pilotage fee is \$30.00 each way.
11 The Dundee is a ship 258 feet long, 43 feet wide, with
12 a summer draught of 18 feet 10 inches, a gross tonnage
13 of 1,781 tons and a net tonnage of 884 tons. We will
14 receive a further report on the traffic in the harbour.

15 Now, sir, I have received a telegram from
16 H.W.C. Gillett Limited, from Twillingate, and it reads
17 as follows: "British registered ship El Amigo purchased

18 "last August not yet placed in service but

19 "ready shortly to be used in local coasting

20 "trade. I understand subject pilotage fees

21 "because of British registry. Ship only

22 "149 tons net, 245 gross, and

23 "in command of captain who has traded these

24 "ports for forty years. We protest these

25 "absurd government regulations and appeal to

26 "your commission to be exempt and treated as

27 "other small locally owned coasting vessels.

28 "Your kind reply is anticipated."

29 What is said in the telegram is quite true,
30 and I understand that this defect will be cured when the



1 vessel is transferred to Canadian registry.

2 I will reply to Mr. Gillett.

3 COMMISSIONER RENWICK: Where is Twillingate?

4 MR. JACQUES: It is on the north-west coast --

5 MR. LANGLOIS: 12 miles from Lewisporte.

6 MR. JACQUES: It is north from Lewisporte.

B/RPS 7 MR. JACQUES: Gentlemen, Captain Whelan from
8 the local Commission would like to address the Commission,
9 I believe, on certain matters.

10 CAPTAIN WHELAN: My lord, there is just one
11 point I want to raise and it is in connection with the
12 cleaning up of the harbour bottom. I have reason to
13 think that the plan in mind for the cleaning up of the
14 bottom is inadequate. While the contract has not yet
15 been let for it, I think it deserves revision.

16 I had a look at the purported sketch and it
17 mentions only obstruction of a wreck over on the south
18 side near the Marine Agencies, two small obstructions
19 off Harvey's Company place and the trots in the the
20 harbour on the north side. It does not make any mention
21 of the old marine slip on the south side, the floating
22 dock. During the war we had considerable trouble with
23 anchors there, naval ships berthing there and dropping
24 their anchors. I don't know of my own knowledge that
25 these have been removed. To my knowledge these have not
26 been removed. Furthermore I have a report that there
27 is some obstruction at the American pier; some stuff was
28 lost overboard and I have no knowledge that that was
29 removed either.

30 There was a mooring buoy for swinging the ships



1 that had three blocks, three concrete blocks about 12
2 tons each, and these were set off the American pier in
3 the bottom of the harbour and used mostly for swinging
4 ships compasses. I have no knowledge of these being
5 removed, and they are not shown on the sketch to be
6 removed.

7 There is report that there is a big
8 obstruction of anchors on the eastern end of the trots
9 on the north side and I cannot say this from my own
10 knowledge but I heard it mooted that the plan for
11 removing the trots was not to lift the blocks themselves
12 which are 12 tons, but to bore them and blow them up,
13 take the chains out; I don't agree with that. I think
14 that is about all. I wish to say there was quite an
15 obstruction of the old floating dock which sank, and it
16 was partially removed and a lot of moorings were left
17 there and has given considerable trouble.

18 THE CHAIRMAN: I understand these matters
19 were brought to the attention of the Department of
20 Transport.

21 CAPTAIN WHELAN: They were brought to the
22 attention of the Department of Public Works, but they
23 are not shown on the tentative sketch for the cleaning
24 up of the harbour.

25 THE CHAIRMAN: I see.

26 MR. JACQUES: Thank you very much, sir.

27 THE CHAIRMAN: Thank you, sir.

28 MR. LANGLOIS: My lord, since this concludes
29 a part of your enquiry into the St. John's pilotage
30 district I wish on behalf of these pilots to thank you



1 and the Commissioners for having given the pilots of
2 St. John's a full and complete opportunity to present
3 their views. I wish to add that the pilots of St. John's
4 will be at the disposal of your Commission should you
5 need another look at the matter or obtain some knowledge
6 about all ports. I understand that the Commission has
7 asked some of them to come tomorrow and give testimony.
8 The pilots of St. John's would be only too pleased to
9 co-operate with your Commission at any time.

10 THE CHAIRMAN: If they have local knowledge
11 of those ports and would like to know of the hazards
12 and difficulties in those ports may I say that we have
13 competent persons on this.

14 MR. LANGLOIS: The only reservation I make
15 there, is that since I will not be attending the sittings
16 of the Commission when you resume, if they are not to
17 be examined again about the port of St. John's concerning
18 pilotage may I say I have discussed it with my clients --
19 I did say yesterday, and we lack some information. We
20 are trying to get some statistics on the volume of
21 traffic that will require pilotage and which port should
22 be served, what is the trend of traffic, and so on, and
23 once we have all this information, with the leave of the
24 Commission we would probably file additional addenda to
25 our brief in this respect.

26 THE CHAIRMAN: That would be much appreciated.

27 MR. LANGLOIS: Thank you, my lord.

28 MR. JACQUES: My lord, Mr. Nathan Dyke, former-
29 ly a pilot at Corner Brook, would like to address the
30 Commission.



Dyke

1 NATHAN DYKE, Called

2 MR. JACQUES: Speak loudly, so that the
3 Commissioners will hear you.

4 MR. DYKE: They will have to speak loud for
5 me to hear.

6 MR. JACQUES: I will not put any questions.
7 I understand you want to explain something to the
8 Commission. Therefore, if you please, will you explain
9 it to the Commission now and speak loudly so we can
10 hear you.

11 MR. DYKE: Very well.

12 THE CHAIRMAN: Before he starts, let him give
13 his name, his address and occupation.

14 MR. JACQUES: Would you state your full name
15 and address, please?

16 MR. DYKE: Yes; Nathan Dyke.

17 MR. JACQUES: What is your address?

18 MR. DYKE: At present I am at 86 Elizabeth
19 Avenue, St. John's.

20 MR. JACQUES: How old are you?

21 MR. DYKE: I am 77.

22 MR. JACQUES: You were a pilot at Corner Brook,
23 were you not?

24 MR. DYKE: That is right.

25 MR. JACQUES: When did you retire?

26 MR. DYKE: I retired in 1953.

27 MR. JACQUES: In 1953?

28 MR. DYKE: That is right. I went to work,
29 your honour, in 1928 in Corner Brook, me and Manuel
30 Young, another young man, as pilots, and from that day



1 on to this. I brought in all kinds of ships. I could not
2 receive from the Commissioners how much money we made
3 in the year, so we went on. They took the money and did
4 what they liked with it; they built lighthouses; they
5 gave it away when the war was on to the Spitfire fund.
6 I saw by the papers there was also money given from the
7 Harbour Commission, pilot money. Then, I had my own
8 boat, that I built and I wore it out; I never got a cent
9 for it. In 1952 I felt not too well and I retired. I
10 brought in a lot of ships, ships up to 22,000 tons. I
11 suppose some 10,000 ships I brought in during that time
12 and there was no use; I came here to St. John's, I
13 went to the Department to find out if I could do something
14 about it and Mr. Manning, at that time he was secretary
15 or something, he asked me what I wanted to see the
16 Commission about. That was in 1933. He said, "You tell
17 me what you want to see the Commission about", and I
18 said, "No, I don't think it would be democratic; I want
19 to see the Commission so I can talk to them myself." He
20 would not let me go and see the Commission. So, in 1948
21 I knew the Prime Minister, the present Prime Minister,
22 and I came here and told him the story. He called up
23 Mr. Manning. Mr. Manning was not in and he got another
24 man, I forget his name, and he asked me to contact
25 Corner Brook and send in a report of all the ships for
26 the past ten years that come in and all the monies paid
27 out and who paid, with vouchers for the same. I stayed
28 here a week. Then, they phoned me and told me those
29 reports were in and I went down to look at them. The
30 more I looked at them the more I was convinced that they



2 1 were a crowd of rascals. So, I thought I might see you
2 people and tell you the story of the past. That is about
3 all I have to say.

4 THE CHAIRMAN: You have already put your case
5 before the Supreme Court of Newfoundland, have you not?

6 MR. DYKE: At Corner Brook, yes, my lord.

7 THE CHAIRMAN: And a judgment was rendered by
8 Justice Dunfield?

9 MR. DYKE: That is right, my lord.

10 THE CHAIRMAN: We are aware of that case.

11 MR. DYKE: I did not go before the court. There
12 were two lawyers that talked about it; they never asked
13 me about my boat or anything of the kind. I was not
14 even to the court, only about a couple of seconds. I
15 did not have one word to say; never asked me one question.
16 It was Mr. Hawco, Mr. L. C. Hawco, Leonard Hawco and
17 one of the Harbour Commissioners was William Smith.

18 THE CHAIRMAN: Mr. Dyke, we thank you very
19 much for having brought the matter to our attention.
20 We have the case in our file and we are going to give
21 some consideration to the whole matter.

22 MR. DYKE: Thank you very much.

23 THE CHAIRMAN: Thank you very much.

24 MR. JACQUES: Well, my lord, this concludes
25 the evidence to be brought before the Commission in
26 St. John's.

27 THE CHAIRMAN: For St. John's. I understood
28 that tomorrow we are going to have some witnesses.

29 MR. JACQUES: Tomorrow some of the pilots will
30 be available; I do not know who they will be. I asked

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

ST. JOHN'S

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
St. John's Newfoundland, on
the 3rd day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq. Q.C.	Member
Harold A. Renwick, Esq.	Member

Mr. F.S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild for the St. John's Pilots' Committee.
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Also Present:

Capt. J.S. Scott, Nautical Advisor
to the Commission.



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Copy of statement dated 17
January, 1963

2512



1 ---Upon resuming at 9:00 a.m. on Friday, May 3, 1963.

2

WILLIAM HANCOCK, recalled

3

4 CROSS-EXAMINATION BY MR. JACQUES, continued

5 Q. Captain Hancock, on your previous oath,
6 would you for the benefit of the Commission give the
7 following information: the name of each port to which
8 coastal pilotage is done, to or from St. John's, together
9 with the distance from St. John's; the type of tonnage;
10 the number of ships handled to each of those ports;
11 whether the pilot stays with the ship at the port she is
12 taken to; and also point out the major navigational
13 hazards and difficulties along the route.

14 Would you indicate each of those ports
15 with a blue circle on Chart No. 4490, which is Exhibit
16 No. 237?

17 A. Well, sir, to cover it in a few words,
18 I am prepared to go to any of the east coast Newfoundland
19 ports. The ports to which we have taken ships, starting
20 with Conception Bay, Holyrood, Harbour Grace, Bay Roberts.
21 In Trinity Bay, Clarendville, Catalina, and Port Newman,
22 which is the same port. Bonavista, Glovertown,
23 which is difficult to pinpoint on this very small scale
24 chart, Valleyfield.

25 Q. Wesleyville?

26 A. There is a Wesleyville also.

27 Q. But it is Valleyfield?

28 A. It is an adjacent place, quite near there.

29 Now, I am naming ports where I have said we have gone.

30 I have not myself necessarily gone to all these ports.



1 Some of the pilots have.

2 Twillingate. To the pilot stations at
3 Botwood and Lewisporte, to a place called Middle Arm,
4 Tilt Cove, Baie Verte, St. Anthony. I may have missed
5 one or two. Perhaps some of the other pilots would
6 recollect them.

7 Q. Very well. Now that you have named all
8 the ports, would you give roughly the distance of each
9 of those places from St. John's?

10 A. Well, I have a small table here. There
11 is a copy pinned up in the pilot station. St. John's
12 to St. Anthony, we have 260 miles.

13 Q. Are these distances given from sea buoy
14 to sea buoy or from dock to dock?

15 A. The distances are intended to be to the
16 pilot station, if there is one, or to the entrance to
17 the place if there is no pilot station there. In the
18 case of the distance to Botwood, it would be to the pilot
19 station.

20 Q. I see. Now that you have mentioned St.
21 Anthony, the distance to Baie Verte, which is the next
22 port?

23 A. St. John's to Baie Verte, we have 238
24 miles.

25 Q. And to Tilt Cove?

26 A. 211 miles. Little Bay, that is Middle
27 Arm, Little Bay 224 miles. Botwood, 196 miles, Lewisporte,
28 189 miles, Twillingate, 178 miles. I have no distance
29 in this table for Valleyfield or Glovertown. I have for
30 Bonavista 81 miles, Catalina 58 miles, Clarendville 90



1 miles, Carbonear 36 miles.

2 Q. Which is Carbonear?

3 A. I am not sure if any of our pilots have
4 gone to Carbonear. The adjoining points of Harbour Grace
5 and Bay Roberts, yes. Harbour Grace, 38 miles, Holyrood
6 50 miles, and I believe that one pilot called at Bell
7 Island, I believe one pilot testified he went to Bell
8 Island on an occasion. In that case the distance is 34
9 miles.

10 Q. What is this place, sir, Harbour Grace
11 and south of Harbour Grace?

12 A. Bay Roberts.

13 Q. For the first of these places are you
14 able to tell the Commission the number of ships that were
15 taken there during the past year?

16 A. For Holyrood?

17 Q. Yes?

18 A. No, I can't off-hand. I haven't got the
19 figures. Just a moment. Yes, I may be, I did not under-
20 stand that you wanted the statistics on coastwise pilotage.

21 Q. Could you provide such statistics from
22 your records, and from the records of other pilots?

23 A. Just which statistics do you wish to have?

24 Q. The number of ships taken to each of the
25 ports which you have just mentioned, together with, if it
26 is at all possible to obtain this information from your
27 records, the nationality and tonnage, the number of ships,
28 the nationality and tonnage.

29 THE CHAIRMAN: The reason of this, of course,
30 is to establish the importance of the trade down there,



1 and of course I understand that you have some records of
2 what you piloted, and your fellow pilots, but would you
3 have any record of the ships that had not taken coastal
4 pilots, or other pilots?

5 THE WITNESS: We would just have a record of
6 the ships that we piloted, sir.

7 THE CHAIRMAN: So that you have no way of
8 estimating, or giving an idea about the other part.

9 THE WITNESS: No way at all, sir, no.

10 THE CHAIRMAN: Well, give what information you
11 have.

12 Q. And also the fee which is charged for
13 this job done by the pilots, excluding the St. John's
14 charge, which we know already.

15 Now, starting at Holyrood, would there
16 be any major navigational difficulties, or hazards along
17 the coast?

18 A. Well sir, starting at Holyrood, may I
19 say how this originated?

20 Q. Yes please?

21 A. When Holyrood was being built the Golden
22 Eagle Oil Company wanted to secure pilotage service, and
23 we were approached and asked would we undertake the
24 pilotage on all tankers into Holyrood. I believe there
25 was a meeting in St. John's between the Secretary of the
26 St. John's Commission and a representative from the
27 Department of Transport, and it is our understanding that
28 both these officials concurred in the St. John's pilots
29 undertaking the Holyrood pilotage, and it was agreed
30 between the Golden Eagle Oil and the St. John's pilots



1 that these tankers would be docked at Holyrood at the
2 same tariff, the same pilotage charge, as is used in
3 St. John's. So, as far as we are concerned, the pilotage
4 in and out of Holyrood is the same as St. John's.

5 Q. How do you travel there, back and forth?

6 A. We board the ships off St. John's and
7 leave them off St. John's.

8 Q. There is no special charge for the trip
9 from St. John's to the entrance of Holyrood?

10 A. No, it is the St. John's tariff. In the
11 event that we come from Holyrood to St. John's by taxi
12 or car, I believe that a taxi fare is charged.

13 Q. Are there any facilities available at
14 Holyrood for boarding on and off ships?

15 A. There are boats there.

16 Q. Were they ever used by these pilots?

17 A. A boat was used, I think, on one occasion
18 to take off a pilot outside of Holyrood.

19 Q. Are they suitable for use by pilots?

20 A. It was quite suitable then for that
21 particular ship and that disembarking, yes.

22 Q. Would they be suitable for year round
23 operation as a pilot boat?

24 A. I wouldn't think so, no, they are not the
25 same calibre of boat at all as our own pilot boats.

26 Q. Are there any special navigational
27 difficulties or hazards in Holyrood?

28 A. Special difficulties?

29 Q. Yes, or navigational hazards in or near
30 the harbour, or entering the harbour? Have you got any



1 narrow shallows that you must sail through, or shoal
2 water? Is there much current, and if so, is it considered
3 a danger to shipping?

4 A. Well, the masters have remarked it appears
5 to be narrow in entering. It is not a large place. The
6 pier is small, and up until recently there was a hazard.
7 There was a shoal off the pier. Now that has been
8 removed.

9 COMMISSIONER SMITH: I have a very small chart
10 here, and I am not sure if I am stating this correctly.
11 It looks like Bull Heads, to the end of the channel going
12 to Holyrood, how far would that be?

13 THE WITNESS: That would be from Bay Bulls,
14 sir. That would be about 70 miles.

15 COMMISSIONER SMITH: Is Bay Bulls the same as
16 Bull Heads on here?

17 THE WITNESS: Yes sir.

18 Q. What size tankers do you take in there?

19 A. The tankers are generally around 20
20 thousand ton dead weight carriers. One I believe was
21 about 30 thousand. Others around 17 thousand, 15 thousand
22 and 19 thousand tons.

23 Q. How much water would they draw?

24 A. They draw 30, 31, 32 feet, around 30 to
25 32.

26 Q. What is the depth of water available at
27 Holyrood?

28 A. It is 33 feet now I believe, the last
29 information.

30 Q. Pretty close?



1 A. Yes.

2 Q. Do you have any further comments to make
3 about Holyrood?

4 A. Not very much; except that the Golden
5 Eagle appeared to be satisfied with our service, and there
6 have been no major complaints so far.

7 Q. If we may move on to Harbour Grace, what
8 sort of harbour is it, what sort of traffic is there?

9 A. Well, I personally have not piloted.

10 Q. Have you been into Harbour Grace yourself?

11 A. I have as a ship master.

12 Q. Why do ships go there? Is there any
13 particular industry or installation which would warrant
14 shipping there?

15 A. Yes, there is an oil terminal there for
16 local distribution; small tankers go there.

17 Q. Small tankers. What tonnage?

18 A. Small tankers, carrying about 2 thousand
19 tons more or less.

20 Q. How much water would she draw?

21 A. It depends on the particular tanker and
22 on the particular trim. If she has a part cargo she could
23 be down by the stern. I could tell you what the maximum
24 draught would be.

25 Q. Yes, what is the maximum draught?

26 A. There is 24 feet below water.

27 Q. Are they Canadian registered tankers?

28 A. Yes, sir.

29 Q. Is there much traffic?

30 A. No, there is not much as far as we are



1 concerned. We don't get many jobs to Harbour Grace in
2 a year.

3 Q. Now, what is the charge which is made
4 by pilots for that job?

5 A. The charge is one cent per gross tons,
6 plus 50 cents per mile.

7 Q. I see; the same charge was mentioned
8 a couple of days ago, it is always the same?

9 A. It is always the same.

10 Q. Are there any particular dangers or
11 hazards entering Harbour Grace?

12 A. Yes, I would say so. It doesn't look
13 too good going into Harbour Grace. You can see the
14 bottom and it is a submerged reef or bar; you have to
15 make the channel. I think the thing that would scare
16 a master is the fact that he has seized the bottom and
17 wondering if that is the right channel he is going into.

18 Q. Is the channel indicated by buoys?

19 A. There is a port and starboard buoy, yes,
20 sir.

21 Q. Do you stay with the ship when you take
22 a ship to Harbour Grace or do you return to St. John's?

23 A. I can't recollect what the pilot did, but
24 I would think he would stay with the ship.

25 Q. Have you any further comment to add to
26 what you have said previously as regards Harbour Grace?

27 A. No, sir, I have nothing to add.

28 Q. Now, if we may move on to Bay Roberts,
29 what is there in Bay Roberts that attracts the shipping?

30 A. There is a coal terminal there, a large



1 pier for the landing and distribution of coal. I have not
2 been to Bay Roberts myself as a pilot.

3 Q. Have you been there as an officer of a
4 ship?

5 A. I have been there as a ship master, yes.

6 Q. To the best of your knowledge, what type
7 of ships would go to Bay Roberts?

8 A. Coal is brought into Bay Roberts on
9 chartered ships. As an example, I think the Gulf Port
10 and Nova Port have landed there.

11 Q. Are most of the ships Canadian registered
12 or foreign registered?

13 A. I imagine most are Canadian registered;
14 some are foreign.

15 Q. Are there any major navigational hazards
16 or difficulties going into Bay Roberts?

17 A. Well, it is another small place and it
18 looks difficult in an average ship -- not too much water.

19 Q. I am instructed that they are building a
20 new pier at Bay Roberts. Have you been consulted about
21 that?

22 A. No, sir.

23 Q. Now, if we may move on to Clarenville,
24 what is there in Clarenville?

25 A. In Clarenville there is an oil pier;
26 Irving Oil have storage tanks on the pier and distribu-
27 tion arrangements. There also is, I think it is called,
28 the railway pier, probably managed by the C.N.R. Ships
29 load scrap there and also Imperial Oil discharge oil at
30 this railway pier.



1 Q. Is traffic handled there by Canadian
2 ships, Canadian registered vessels?

3 A. I have seen foreign ships tied up there
4 as well as Canadian ships.

5 Q. Since you have mentioned the railway
6 pier, do you know if the C.N.R. ships go there regularly?

7 A. I don't think they do. It is not a
8 railway, C.N.R. port of call, as far as I know.

9 Q. Are there any major navigational
10 difficulties or hazards in Clarendville?

11 A. The entrance to Clarendville is narrow,
12 the entrance to Random Sound is narrow and winding and
13 landlocked.

14 Q. It is buoyed or indicated in any way?

15 A. No buoys whatever.

16 Q. No buoys whatever?

17 A. That I know of.

18 Q. Am I to understand that if a man has
19 little or no local knowledge he just couldn't go in?

20 A. Well, he could try.

21 COMMISSIONER SMITH: At his peril.

22 Q. As regards Catalina, sir, would you tell
23 the Commission what ships go to Catalina and what for?

24 A. I have not been to Catalina as a pilot;
25 I have been there as a ship's master. It is a large
26 fishing centre; they export cured fish, salt fish in
27 boxes and hasks. They import general cargo, oil, coal.

28 Q. What about the fish? Would it be handled
29 on Canadian ships or by Canadian fishermen or foreign
30 ones?



1 A. The fish is exported in both types of
2 ships. I have loaded fish there for the West Indies as
3 a ship's master, and they also have Scandinavian ships.

4 Q. What would be the largest ship calling
5 at Catalina?

6 A. The largest ship that I know of, that I
7 can think of that has called at Catalina is probably one
8 of the Imperial Oil tankers, the Imperial Sarnia. In
9 that case I am sure she arrived there with a limited
10 draught, part cargo.

11 Q. I would like to talk about Wabana. Have
12 you ever been there?

13 A. Just as a passenger on the ferry boat.

14 Q. Have you entered the harbour?

15 A. There is no harbour at Wabana. It is a
16 pier on the southeast side of the island there and it
17 is open to the upper part of the bay. I have just landed
18 there as a passenger.

19 Q. But you may have noticed the harbour
20 installation. You are a seaman, you must have looked at
21 the place?

22 A. The pier?

23 Q. Yes. It is out in the open sea?

24 A. Yes, it is in the open sea, as I said,
25 exposed to the upper part of the bay.

26 Q. There is no protection at all against
27 waves and sea?

28 A. Not from the southwest wind, no.

29 Q. Have you seen any ship docked alongside
30 that wharf when you were there?



1 A. Well, the ferry landing pier is some
2 distance away from the wharf loading pier.

3 COMMISSIONER SMITH: Is Dosco still operating
4 there?

5 THE WITNESS: Yes.

6 COMMISSIONER SMITH: And at reduced capacity
7 or increased capacity?

8 THE WITNESS: I think it is at a reduced
9 capacity.

10 COMMISSIONER SMITH: I saw that somewhere.

11 THE WITNESS: Yes. They have difficulty
12 selling this iron ore, I believe.

13 Q. Now, if we may resume our trip --
14 Bonavista?

15 A. I have not been to Bonavista as a pilot
16 or as a ship master.

17 Q. Would anyone here know anything about
18 Bonavista?

19 What about Valleyfield?

20 A. I have not been there as a pilot.

21 Q. As a master?

22 A. As a master, about ten or twelve years
23 ago.

24 Q. Would anyone know about Valleyfield?

25 What about Twillingate?

26 A. I have been there as a pilot and master.

27 Q. What is there at Twillingate which would
28 attract shipping?

29 A. As far as we are concerned, it is the
30 oil pier, the oil terminal there. At Twillingate there is



1 a Twillingate pilot. He acts as pilot, and there is a
2 new channel which has been dredged to the oil terminal
3 pier, which is also the fish plant, and the pilot will
4 board the ship at the entrance to Twillingate and will
5 guide the master through the entrance.

6 Q. Are they Irving Oil tankers or Imperial
7 Oil?

8 A. Irving Oil tankers.

9 Q. Are they large or small ones?

10 A. They are relatively small; they carry
11 about 4 thousand or 5 thousand tons.

12 Q. What about the fish ships?

13 A. Probably refrigerated ships. I believe
14 Blue Peter ships call there and collect the refrigerated
15 fish for export to the States.

16 Q. Now, sir, we have heard evidence about
17 Lewisporte, so we will move on to Botwood.

18 What sort of shipping goes to Botwood?

19 A. Tankers, Imperial Oil tankers, Irving
20 Oil tankers and chartered tankers, ore carriers and paper
21 ships, and I should imagine general cargo ships.

22 Q. Do you know the name of the company which
23 operates ore carriers at Botwood?

24 A. I believe the ore carriers and paper
25 ships are handled by the Anglo-Newfoundland Development
26 Company, and I believe also that the Montreal Shipping
27 Company act as shipping agents for that traffic.

28 Q. Now, sir, Tilt Cove?

29 A. Well, Tilt Cove, we go there in small
30 tankers. There is a copper mine there and Irving Oil



1 supply oil to the mine.

2 Q. And the copper is taken out in ore
3 carriers?

4 A. Yes.

5 Q. By whom are they operated?

6 A. Tilt Cove Mine is a separate company.

7 Q. Would you know the name of the company?

8 A. I don't think I know the name of the
9 company, no.

10 Q. Are there any navigational problems at
11 Tilt Cove?

12 A. The problem is just getting into the
13 place. It is very small and it is wide open to the
14 southeast and also to the northeast.

15 Q. Have you been there as a pilot?

16 A. Yes.

17 Q. Do you stay with the ship when you go
18 there?

19 A. Oh, yes.

20 Q. What about in bad weather? Do you have
21 to take different measures going in there?

22 A. In a small tanker, small ship, you have
23 to be ready to leave instantly, almost, you have to be
24 ready to leave at very short notice, and you have to
25 watch the weather and pay attention to forecasts and use
26 your own judgement. That applies to leaving and it also
27 applies to going there. You have to arrive off the place
28 and look at it and see what you think of it and either
29 attempt to go in or by-pass it.

30 Q. What would make you decide one way or



1 the other?

2 A. Well, the swell, the roughness of the
3 weather in the vicinity at the time, what the beach
4 looked like, the cliff looked like and the direction of
5 the wind. It looks like a quarter of a mile away.

6 Q. How would you make your ship fast in
7 Tilt Cove?

8 A. You would put your bow lines, stern lines
9 and springs to the pier.

10 Q. You would not use any anchors?

11 A. Not normally, no.

12 Q. And at Baie Verte?

13 A. Baie Verte is a very sheltered place.
14 There is never any sea or undertow up there. It is a
15 very small wooden pier, and there is less than a hundred
16 feet of pier available. The pier is at right angles to
17 the shore, so when you go alongside your bows, or stern,
18 is very near the bottom, and the stern is overhanging the
19 wharf into the Bay. That is an oil terminal also for
20 Irving Oil.

21 Q. Apart from Irving Oil ships, do you take
22 any other ships into Baie Verte?

23 A. I have not. There is an asbestos mine
24 about halfway up the Baie Verte Reach. We understand,
25 and we have read in the paper, that they expect to begin
26 production this summer of about seven thousand tons a day.

27 Q. And do you expect that they will ship the
28 asbestos by sea?

29 A. That is the arrangement. There is a good
30 pier there.



1 Q. So you might expect an increase in traffic
2 in Baie Verte?

3 A. Well, if their figures are right, if they
4 are going to produce seven thousand tons a day, that is
5 possibly three or four or five ships per week additional
6 traffic.

7 Q. Have you been approached by that company
8 as regards pilotage?

9 A. No sir.

10 Q. What about St. Anthony? That is way up
11 north?

12 A. St. Anthony is a fairly large outport,
13 and the most important outport in that part of Newfoundland.
14 It has a large hospital, and a slip, a slip for repairing
15 and building wooden vessels.

16 Q. Up to what size could they handle ships
17 there?

18 A. The slip I think could handle large
19 schooners, motor vessels, of possibly 200 tons to 300 tons,
20 carriers, and it is also an oil distribution centre.
21 Irving Oil have the terminals there.

22 Q. And Imperial Oil and the other oil
23 companies could ply there?

24 A. Imperial Oil, I think, ply there, although
25 I have not been there on an Imperial Oil ship.

26 Q. Are there any major navigational diffi-
27 culties, or hazards, in entering St. Anthony?

28 A. St. Anthony is very narrow and crooked
29 and winding in entering.

30 Q. How long would that channel be?



1 A. Until you are into the harbour to an
2 anchorage, or into the pier?

3 Q. Yes?

4 A. Oh, something less than half a mile,
5 about half a mile.

6 Q. Is the entrance buoyed, or in any way
7 indicated by aids to navigation?

8 A. There are no buoys, and no aids. I have
9 seen no buoys.

10 Q. Could you then enter this port at night?

11 A. I have, and I can up to a point, yes.

12 Q. Would you consider that a normal, safe
13 operation?

14 A. When you know how to do it, and are
15 confident in what you are doing, it is a normal operation.

16 MR. JACQUES: I think we have expended the
17 list of ports. Are you satisfied with the information
18 my lord?

19 COMMISSIONER SMITH: I would just like to ask
20 the witness one question. Captain, in your evidence this
21 morning have you covered all the ports of shipping
22 business importance in the area that you went over this
23 morning? Are there any of them that are left out?

24 THE WITNESS: Those are the most important
25 ports. There are some others. There are many other
26 smaller settlements.

27 COMMISSIONER SMITH: Well, there would be no
28 purpose in going into those, but if there are any others
29 of equal or more importance?

30 THE WITNESS: Lascie is one.



1 Q. Would you describe Lascie to the
2 Commission?

3 A. It is a very small port, and rather
4 exposed. I believe one of our pilots has been there, or
5 one or more, or I believe we have been there on one or
6 more occasions.

7 Q. Have you been there yourself as a master?

8 A. Not as a pilot, but as a master.

9 Q. What are the installations in the harbour?

10 A. At the time I was there there was a pier
11 known as the American pier across from the American base
12 there, and there was a government pier on the other side
13 of the harbour, but since I have been there it is much
14 better than the old piers.

15 Q. What type of ships would go there?

16 A. Not large ships. I think the small type
17 of tanker mentioned, about 1500 tons, and there is a
18 fish plant, so I would expect refrigerated fish carriers
19 would call. They are probably the type that Blue Peter
20 operates, and local Newfoundland-owned, and that type of
21 motor vessel.

22 Q. Are there any major difficulties in
23 entering or leaving that harbour?

24 A. Well, there again it is a very small pier,
25 not much room, not much water.

26 I am reminded of some ports. Morton's
27 Harbour is an important fishing centre. There is no oil
28 terminal there as far as I know, and as far as I know we
29 have not been there as pilots. Little Bay I have
30 mentioned.



1 COMMISSIONER SMITH: Is Little Bay the same
2 as Little Harbour?

3 THE WITNESS: Yes.

4 Q. Oh, yes, Little Bay was mentioned, yes.

5 A. There is a copper mine and an oil terminal
6 there.

7 Q. What tankers would come there, Irving,
8 Imperial Oil, B.A., Shell?

9 A. Irving contracted to supply that mine.

10 Q. And the ore, is it taken out by ship?

11 A. The ore is not shipped from the same
12 place where the oil is landed. The ore is shipped from
13 another harbour, a place some miles from there.

14 Q. What is the name of that place?

15 A. I think it is known as Little Bay.

16 Q. It is not far from the dock where the
17 oil is landed?

18 A. No, it is a few miles. It is around the
19 point and up in another reach.

20 Q. What nationality of ships take the ore
21 out of the place?

22 A. I wouldn't be able to say. I think some
23 are British. I don't know if there are any other foreign
24 ships.

25 Q. What would be their approximate size?

26 A. There again I don't know sir. I have not
27 seen them.

28 Q. How much water would be available in
29 Little Bay?

30 A. I think it is quite deep. I think there



1 is plenty of water depth there.

2 Q. Would you care to mention any other place?

3 A. Fogo is a very important fishing settle-
4 ment.

5 Q. Would you indicate Fogo with a blue circle
6 on Exhibit 237?

7 A. Fogo is a fairly large outport, and an
8 important fishing settlement.

9 Q. What would be the type of ships?

10 A. The type of ships at Fogo is usually
11 small, medium sized motor vessels, general cargo carriers.
12 I have not been there as a pilot. There is a local pilot
13 available for Fogo harbour.

14 Q. Now, are there any other ports?

15 A. The port of Roderickton I am not familiar
16 with, but I understand they saw a lot of lumber there.
17 I have not been into Carmenville.

18 Q. Would you indicate Roderickton and
19 Carmenville on Exhibit 237?

20 A. It would be difficult to pinpoint
21 Roderickton on this chart. I could indicate Carmenville,
22 but I would rather you asked one of our other pilots.
23 He was born there. We have been asked to take cable
24 ships into Bay Bulls, which is a storage place for cable,
25 the wire and other gear.

26 Q. Would that occur very often?

27 A. Not too often. I think we have been
28 asked two or three times this year.

29 Q. What type of ships did you take?

30 A. There again I didn't act as the pilot.



1 I am speaking of the pilots as a group.

2 Q. What type of ships would go to Carmenville?

3 A. Well, I have never been to Carmenville
4 either as master or pilot. I would imagine local motor
5 vessels, schooners, and C.N.R. vessels possibly.

6 COMMISSIONER SMITH: There is a place on the
7 chart here marked Confusion Bay.

8 Q. I show you a document which purports to
9 be signed by Captain Collins, yourself, Captain Kean and
10 Captain King, dated the 17th January, 1963. Would you
11 look at it, and tell me whether it is your signature?

12 A. That is my signature, yes sir.

13 MR. JACQUES: This document, my lord, is a
14 letter, or rather a statement signed by four pilots, and
15 addressed to Mr. Puddister, Master Pilot on Watch:

16 "Since the last meeting this Watch has
17 reviewed the northern coast-wise pilotage business, and
18 has decided that in view of the risk, objections and
19 generally unsatisfactory state of the business, we are
20 no longer interested in northern pilotage as a group in
21 future.

22 "If an individual pilot undertakes northern
23 coast-wise pilotage as a job, it will be entirely at his
24 own risk".

25

26 ---EXHIBIT NO. 265: Copy of statement dated 17
27 January 1963.

28

29 MR. JACQUES: This Exhibit corroborates the
evidence given by a witness yesterday.

30

THE CHAIRMAN: You have spoken about the west



1 coast and the north-west coast of Newfoundland. What
2 about the south coast now? Is there any piloting there
3 except for Port aux Basques, which I know of. What about
4 in between Port aux Basques and St. John's?

5 THE WITNESS: I believe, sir, that there are
6 local pilots available for the south coast.

7 THE CHAIRMAN: Are they important ports of
8 call there?

9 THE WITNESS: Yes, in the case where a vessel
10 is collecting fish from a number of ports. I do know of
11 one man who acts the same as ourselves, joins the vessels
12 and goes around all these ports as pilot.

13 THE CHAIRMAN: But there is no trade of big
14 importance there?

15 THE WITNESS: Well, there is a fair trade sir,
16 I would say. There are large settlements, such as Burin,
17 Grand Bank, Fortune. There are some large settlements
18 on the south coast, and there are probably quite a number
19 of people who act as pilots on occasion, on a part time
20 basis.

21 THE CHAIRMAN: But there is no, as far as the
22 coastal routes are concerned, there is no hazard such
23 as the ones you meet in the north-west part, like Fogo
24 Island?

25 THE WITNESS: No, none like that sir, no.

26 THE CHAIRMAN: So coastal work is rather easy
27 on the south part. It is only the harbour entrance. Am
28 I right in saying that?

29 THE WITNESS: That is so I would say, yes sir.

30 THE CHAIRMAN: It is only a matter really of



1 getting into the various harbours?

2 THE WITNESS: Yes sir.

3 COMMISSIONER SMITH: My lord, before the
4 Captain leaves the stand I would like to rephrase a
5 question I asked him yesterday about compulsory pilotage,
6 and I want to say at the outset that I am not asking for
7 an answer if he thinks there is a question of policy, or
8 anything else involved here that might be embarrassing.

9 Do you think in your opinion that the
10 compulsory pilotage system in local, restricted and
11 dangerous waters would provide the maximum of safety to
12 shipping, instead of the present optional policy of
13 payment of pilotage dues in lieu of accepting a pilot?

14 THE WITNESS: Yes sir, I would like to give my
15 opinion on that. It is my opinion that it would be safer.
16 You would provide maximum safety and expert navigational
17 and pilotage knowledge if the payment of pilotage and
18 the taking of the pilot were compulsory in a port such as
19 St. John's.

20 That is my opinion sir. Our worries are
21 the infrequent visitor, who may or may not be familiar
22 with the port. He may even be using a chart, who charges
23 in and gives us all a fright, to put it in plain language.
24 If that man were required to send his signal, his E.T.A.,
25 and be met by the pilot, I am sure it would be much safer
26 for all concerned.

27 THE CHAIRMAN: I do understand also that most
28 of your piloting is done at night, or early in the morning?

29 THE WITNESS: That is quite frequent sir,
30 sailings in the night and arrivals in the early morning.



1 THE CHAIRMAN: So you don't have the best
2 daylight conditions to do that?

3 THE WITNESS: No sir.

4 THE CHAIRMAN: And the other ships coming in
5 would come at the same time, also adding to the hazards?

6 THE WITNESS: Yes sir, and also under
7 conditions of poor visibility, fog and snow.

8 THE CHAIRMAN: Thank you very much.

9 MR. JACQUES: Thank you very much sir.

10 MARMADUKE COLLINS

11
12 FURTHER EXAMINATION BY MR. JACQUES:

13 Q. Under your same oath, sir, would you
14 indicate to the Commission what types of ships go to
15 Bonavista?

16 A. The types of ships that we have taken
17 there have been mostly tankers, although fish, cargo
18 ships have gone there to load fish. But most of my
19 piloting has been tankers.

20 Q. And what size of tankers?

21 A. About a thousand tons, twelve-hundred
22 tons gross.

23 Q. And how much water, approximately, would
24 she draw, loaded?

25 A. She would draw about 12, 13 feet loaded.

26 Q. Were they Canadian registered ships?

27 A. Yes.

28 Q. What major navigational hazards are there
29 in Bonavista?

30 A. Well, Bonavista is a man-made harbour. It



1 is just a basin; it has to be entered between break-
2 waters. Outside the breakwater, of course, there is
3 shoal, and it is rough when the wind is blowing. Of
4 course, you have to be careful in berthing, docking.

5 Q. And how much water is available in the
6 harbour?

7 A. About 15 to 18 feet.

8 Q. How many ships have you taken in approxi-
9 mately last year? I understand you are to get more
10 accurate statistics, but just approximately?

11 A. Say about three last year, to Bonavista.

12 Q. Were you the only one going to Bonavista?

13 A. No, there were other pilots going into
14 Bonavista.

15 Q. Have you been to Valleyfield?

16 A. Yes.

17 Q. Why would ships call at Valleyfield?

18 A. Again there are oil tankers call there,
19 Irving Oil are there, although I have not taken any ships
20 there to load.

21 Q. Have you taken tankers?

22 A. Yes.

23 Q. When you take a tanker to Valleyfield do
24 you stay with the tanker until she has completed loading
25 or unloading?

26 A. Yes.

27 Q. Would you make one or two or three or
28 more ports on a run?

29 A. We usually make two or three ports. We
30 might do six or seven ports on the run.



1 Q. Could you give us from your own experience
2 an idea of one of these trips? Say the longest trip you
3 have done. You boarded at St. John's and then where did
4 you go?

5 A. Boarded the ship at St. John's and
6 proceeded north to Baie Verte, discharged at Baie Verte,
7 returned south to Lascie, from Lascie to Tilt Cove, Tilt
8 Cove to Twillingate, Twillingate to Valleyfield, Valley-
9 field to Bonavista, Bonavista to Catalina, and returned
10 to St. John's.

11 Q. How long did it take you for that trip?

12 A. Three or four days.

13 Q. Now, sir, are you familiar with Carmen-
14 ville?

15 A. Yes.

16 Q. Why do ships go there?

17 A. Well, it is a pulpwood exporting place,
18 and in the past two or three years I think there have
19 been upwards of five or six ships, about three-thousand
20 to five-thousand tons gross, have loaded pulpwood there.

21 Q. Would a pilot who takes a ship there
22 stay with the ship until she has completed her loading?

23 A. Actually I have never done any piloting
24 there, although it is my home port. I understand there
25 is a local pilot there.

26 Q. Would there be any major navigational
27 difficulties or hazards in Bonavista, Valleyfield,
28 Carmenville?

29 A. Well, there is shoal water, particularly
30 at Carmenville, up to the fall of 1962. The land is low,



1 there are very few navigational aids, and you must have
2 local knowledge to go in there.

3 Q. Now, sir, would you indicate to the
4 Commission on Exhibit 277 Rodericton.
5 (Witness complies)

6 Q. Why do ships call at Rodericton?

7 A. I have never been to Rodericton as a
8 pilot; I have been there as a master. There is a saw
9 lumber exporting business going on there, and I under-
10 stand that they are producing more lumber, they have in
11 mind producing more lumber and exporting it. I don't
12 know whether it will be exporting it or bringing it out
13 to other parts of Newfoundland.

14 Q. What would be the largest size of ship
15 there?

16 A. They could take ships up to two-thousand
17 or three-thousand tons gross.

18 Q. What would be the major navigational
19 difficulties or hazards at Rodericton?

20 A. Rodericton is an inland port, it has to
21 be approached from seaward, and it is about 20 miles
22 inward from seaward, and there are very few navigational
23 aids.

24 Q. Do you go up an inlet or dredged
25 channel?

26 A. It is an inlet.

27 Q. Is it buoyed or lighted?

28 A. There are two or three buoys.

29 Q. What would be the depth of water
30 available at Rodericton?



1 A. The depth varies. It is very deep
2 approaching, and the depth is down to about three fathoms
3 arriving at the port.

4 MR. JACQUES: Thank you, sir.

5 Are there any questions the Commission
6 would like to ask?

7 My lord, this is all the information
8 that the St. John's pilots can give us, and they will
9 prepare statistics of last year's jobs done by them,
10 nationality of ship, tonnage and also where she called.

11 THE CHAIRMAN: That gives us an idea of the
12 situation.

13 MR. JACQUES: And I wish to thank the pilots
14 for their co-operation since we have been here.

15 THE CHAIRMAN: Well, this concludes our
16 sittings in St. John's. We learned a great deal, we
17 learned of a different aspect of pilotage here, as other
18 places are different, and we thank you very much for your
19 kind consideration. You have been very helpful.

20
21 ---Whereupon the hearing adjourned at 10:15 a.m.

22

23

24

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30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

LEWISPORTE
NFLD

VOLUME No.:

23

DATE:

May 4, 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Town Hall, Lewisporte,
Newfoundland, on the 4th day
of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. F. S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Esq.

Also Present:

Capt. F. S. Slocombe, Department of
Transport and Liaison Officer

Capt. J. S. Scott, Nautical Advisor
to the Commission



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TORONTO, ONTARIO

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1 ---on commencing at 11:00 A.M.,

2 Saturday, May 4, 1963

3 THE CHAIRMAN: Well gentlemen, we are very
4 pleased to have had your invitation to come to this port
5 and meet the local Commissionand the pilots and to see
6 for ourselves how it is; because hearing just evidence,
7 well, that is one thing, but seeing is much better, es-
8 pecially when you have heard the evidence also.

9 As you know, we started at St. John's and we have
10 seen what pilotage is in Newfoundland inparticular, and
11 especially the Port of St. John's but also have asked
12 for some evidence there for all the Coast, what is the
13 pattern, so we have heard already some of your difficulties,
14 hazards and so on. We have heard what local knowledge is
15 necessary here, and we appreciate the long channel there
16 exists to get to your harbour, and the shoals and islands.

17 They say pilotage is necessary to come down
18 here so we are here to find facts and everyone of you has
19 something to say. We would appreciate very, very much
20 any help you can give us in this matter. You are the
21 one on the spot here; you are the ones who know about
22 what it is -- what is pilotage here and why is it nec-
23 essary and how it should be organized. Why use this form
24 of organization rather than the other one? We don't
25 know. We are going all across Canada just to find out
26 at various places why it should be at that place a
27 special pattern of organizationand why at another place
28 it shouldn't be the same pattern, because pilotage has
29 to be adopted to the local conditions, of course.

30 We have already seen many kinds of pilotage,



1 coastal, harbour and river and it is altogether different
2 from one to the other and even in those wide divisions
3 you have different kinds of port pilotage.

4 Saint John, New Brunswick, for instance, where the
5 harbour is quite hazardous because of the water inside
6 the harbour. You have the tide and the tide is about
7 30 or 35 feet, changing twice a day in the harbour, and
8 you have on the other side the river coming down and at
9 the time of freshet it is a bad problem and some parts of
10 the harbour you can't berth a ship.

11 St. John's, Newfoundland, has a fine harbour, almost
12 no current and no tide, but naturally quite crowded with
13 fishermen's boats. We go somewhere else and it is
14 different, so we have to find all those facts out and
15 by glancing at the harbour we can see that. You know that,
16 and we wish you could help us to find it.

17 MR. NOBLE: Your lordship, on behalf of
18 the Mayor, who is unavoidably absent, I wish to welcome
19 you to our fair town and I trust that the people we have
20 here will enlighten you in your deliberations that you
21 have to make and without further ado, we leave you to these
22 people.

23 THE CHAIRMAN: Thank you very much.

24
25 LEO DWYER, sworn

26 DIRECT EXAMINATION BY MR. JACQUES:

27 Q. What is your full name, sir?

28 A. Leo Dwyer.

29 Q. How old are you?

30 A. Fifty.



1 Q. And what is your occupation?

2 A. Seaman.

3 Q. You are a seaman. Do you hold any certificate
4 of any kind?

5 A. Yes, sir.

6 Q. What is it?

7 A. Masters certificate and so forth and so on.

8 Q. You have a Masters Certificate; master of
9 home trade or coastwise?

10 A. Coastwise.

11 Q. How long have you had your certificate?

12 A. Oh, yes, I have had the certificate locally --
13 I have been master of vessels for the last fifteen years.

14 Q. Master of vessels for the last fifteen
15 years. What sort of vessels were they?

16 A. Local vessels, up to - from 25 to 50 odd
17 ton.

18 Q. Twenty-five to 50 odd ton. And what was
19 their trade?

20 A. Just local trade here between different
21 ports of Notre Dame and north, goes from St. John's
22 to Mugford, Labrador, on different occasions. My primary
23 work now, I have been employed with the Postal Department
24 for the last ten years running mail out to different points
25 in Notre Dame Bay.

26 Q. By ship?

27 A. By schooner.

28 COMMISSIONER SMITH: Any auxilliary pro-
29 pullsion in the schooner?

30 THE WITNESS: Yes, I have up to 160 Horse-



1 power diesel in the vessel I am operating now.

2 Q. Do you yourself act as Master of these
3 schooners?

4 A. I do most of the time, and I have a man on
5 different occasions if I haven't got the time, he takes
6 over.

7 Q. Are you not also the pilot for Lewisporte?

8 A. I have been acting as pilot for Lewisporte
9 in the last three years on different occasions. If the
10 Pilotage Commission should call me here, I go and act as
11 pilot to bring ships in and take ships out.

12 Q. What happens when you are away on a ship
13 carrying mail?

14 A. We get a warning from ships coming in two
15 or three days in advance, and make a point -- probably my
16 boat is going out and I stay back and take the ship when
17 it comes to the pilot station.

18 Q. Has it ever happened a ship arrived at
19 the pilot station at Lewisporte and you were away?

20 A. Not any time when the Pilotage Commission
21 contacted me. I was always there to take the ship in or
22 out, whatever the case.

23 Q. I realize that when the Pilotage Commission
24 advises you your services were required, but has it
25 happened that the ship has not sent an E.T.A. in sufficient
26 time to make arrangements?

27 A. As far as my pilotage is concerned, to the
28 present I was temporary, as they knew; they knew I was
29 used to operating ships and if got word, they would
30 contact me if available, which most of the time I am,



1 and so forth and so on.

2 Q. If you were not available, what would
3 happen to the ship requesting the services of a pilot?

4 A. They have that one at Black Island.

5 Q. And he would take over?

6 A. But as a rule that pilot from Black Island-
7 be more ice to a certain extent - to get to the point,
8 this pilot for Lewisporte, sometimes we get so many ships
9 a year and more times we get less and not enough in it
10 for a man to make a permanent job out of it.

11 Q. I can see that from the statistics I have.
12 Roughly speaking, last year how many ships did you have?

13 A. Myself, sir, I believe I took in roughly
14 half a dozen, in and out.

15 Q. In and out. What types of ship were they?

16 A. From 18,000 tons down to probably 5,000
17 tons, something like that.

18 Q. Do you refer to gross tons or net tons?

19 A. Gross tons.

20 Q. And where is the outward pilot station?

21 A. Black Island.

22 Q. Would you look at Chart 4598, filed as
23 Exhibit 235, and point out Black Island to me?

24 A. Right here, sir.

25 Q. And there is a red line traced on this
26 chart. Could you tell me where this track which you
27 follow taking ships in and out is?

28 A. This is the track sir, yes, approximately.

29 Q. Pointing to Seal Island. I show you Chart
30 No. 4599, filed as Exhibit 236. There is also a red track



1 indicated on that chart. Would that be the route which
2 you follow to take ships in and out?

3 A. That would be approximately, yes, sir.

4 Q. Approximately. Now sir, if you would note
5 this track goes between Freak Island and Cat Island.
6 Would you care to tell me why ships do not go eastward of
7 Cat Island?

8 A. This Cat Island is the first island inside
9 Lewisporte Harbour and this is our main run here that we
10 generally use.

11 Q. You generally go east of Cat Island?

12 A. Yes.

13 Q. Instead of between Cat Island and Freak
14 Island?

15 A. Yes, sir.

16 Q. What is the distance between Freak Island
17 and Lewisporte?

18 A. Roughly 23 or 25 miles.

19 Q. Twenty-three or 25 miles. Would you care to
20 point out the main navigational difficulties and hazards
21 along that route?

22 A. Well sir, the main difficulty and hazards
23 are - we have a very deep water bay which means we don't
24 meet up with too much shallow water, but we have a bar
25 right side of St. Michael's Harbour Head. This bar
26 here which is---

27 Q. Mussel Bed Rocks?

28 A. That is a bit hazardous at night time.
29 coming in without radar because it hasn't a light on
30 St. Michael's Harbour so we have to make sure we are clear



1 of this rock.

2 Q. Mussel Bed Rocks?

3 A. Mussel Bed Rock. That is a rock that stands
4 about three feet out of water at ordinary tides, and no
5 light on that. It is the only hazard in the bay as far
6 as I am concerned.

7 Q. What about currents and tides? Does that
8 create any hazard?

9 A. Not going in that ship until we get to
10 Lewisporte. Here in Lewisporte we have a new dock com-
11 pleted last winter.

12 Q. Called the C.N.R. dock?

13 A. Yes.

14 Q. I refer to Chart 2546, filed as Exhibit
15 227.

16 A. Before the new dock was built we had a
17 C.N.R. dock pile and the tide passed through it but,
18 since the new dock was built that stops the flow of current
19 down there. I guess it depends on the rise or fall
20 of the water.

21 Q. When was it built?

22 A. Completed January of this year, I believe.

23 Q. January, 1963?

24 A. That's right.

25 Q. And this new structure has made a differ-
26 ence in the flow of current?

27 A. Right, sir.

28 Q. Now, sir --

29 THE CHAIRMAN: This is the one with the
30 light on top of it?

THE WITNESS: Yes, sir.



1 THE WITNESS: Yes, sir.

2 MR. JACQUES: It is indicated in the inset.

3 THE CHAIRMAN: And the light is "F.R."?

4 MR. JACQUES: Fix red.

5 Q. Now sir, what or whose boats do you use to
6 board ships on Black Island?

7 A. My own sir at present.

8 Q. And what is their size?

9 A. I have a 50 ton and 25 ton, I did to last
10 year and sold one last year, and have one 50 odd tons.

11 Q. How long is she?

12 A. 63 feet.

13 Q. 63 feet. Is she decked?

14 A. Yes, power vessel type.

15 Q. And what is the horsepower?

16 A. 160.

17 Q. 160 horsepower.

18 A. Cummings diesel.

19 Q. And fitted out with the usual equipment?

20 A. Yes, sir.

21 Q. Is she licenced as a passenger ship?

22 A. Not licenced as a passenger ship, no.

23 Q. Have you any licence or certificate of any
24 kind for that boat?

25 A. We carry our coastal licence permit. We
26 register her and clear once a month with customs.

27 Q. When you do not use her for pilotage work
28 you use her for your own business, your own trade?

29 A. Yes.

30 Q. What about the other pilot, does he use your



1 boat?

2 A. No, sir.

3 Q. He uses his own boat?

4 A. The pilot I told you about, Mr. Primmer
5 from Black Island, he lives on Black Island and used to
6 pilot ships in here and used his own boat and when he would
7 get word from the Pilot Commission in Lewisporte a ship
8 was coming at a certain time, he stood by up there to meet
9 her at Black Island.

10 Q. Have you seen his boat?

11 A. Yes, a regular fishing boat.

12 Q. And the size?

13 A. Twenty-three or four feet long.

14 Q. And powered by motor also?

15 A. By gas.

16 Q. Decked?

17 A. No, fishing boat.

18 Q. Is there a special charge for the use of
19 the boat when you board a ship or get off a ship?

20 A. I haven't got up against that because any
21 ships I board I do with my boat and leave by my own boat.

22 Q. You don't make a special charge?

23 A. Whatever I get for piloting the ship in,
24 goes in with the boat to the ship and back.

25 Q. When pilot Primmer boards a ship he has
26 someone to look after his boat?

27 A. He does.

28 Q. A member of the regular crew or partner in
29 the fishing boat?

30 A. Maybe his own boat he uses. He has a boat



1 of his own. I imagine his own boat he uses.

2 Q. How do you travel between Black Island
3 and Lewisporte?

4 A. The residence of Black Island?

5 Q. Yes?

6 A. Local boat or by passenger boat.

7 Q. Or by passenger boat. So when you take
8 a ship to Black Island you come back with your own boat?

9 A. It follows the ship back.

10 Q. What about pilot Primmer; when he takes a
11 ship in how does he get back?

12 A. He arranges for a boat to meet him at
13 Little Burnt Bay.

14 Q. Where is that?

15 A. It is ten miles by road north from Lewis-
16 porte.

17 COMMISSIONER SMITH: Burnt Bay.

18 THE WITNESS: No, we haven't got that.

19 Q. In any case, he drives?

20 A. By road to Burnt Bay down to Little Burnt
21 Bay, 11 miles I think by car.

22 Q. And his boat picks him up?

23 A. His boat, or boat he hired to take him up
24 Black Island. The distance from Burnt Bay to Black Island
25 is roughly eight miles.

26 Q. Are any of these boats equipped with any
27 signal of any kind to indicate your pilot boat or station?

28 A. Small boats are not.

29 Q. Is yours?

30 A. My boat is equipped with a lot of flags



1 and regular lights. We are not a pilot boat.

2 Q. Do you show regulation lights at night
3 to the pilot station?

4 A. Yes.

5 Q. And during the day what do you show?

6 A. Regular signal for pilot boats.

7 Q. I understand also there is a pilot station
8 in Black Island; is that correct?

9 A. That is where the ships - the pilots pick
10 up the ships - that is the regular pilot station. There is
11 one at Botwood for Black Island.

12 Q. At Exploits on Black Island I was given
13 to understand there was a house or building of some kind
14 that the pilots use?

15 A. If there is, it is not to my knowledge.

16 Q. Not to your knowledge?

17 A. Which I don't think, I wouldn't say, but
18 pretty sure there isn't. It is just local fishing firms
19 at Exploits Island.

20 Q. For Botwood?

21 A. Yes.

22 Q. Not for Lewisporte?

23 A. No sir, pretty sure.

24 Q. Would you describe your duties when you
25 board a steamship coming into Lewisporte? What do you do?

26 A. I do what a regular routine pilot would
27 do. I board the ship and the quarter master would meet
28 me and escort me to the bridge and introduce myself as
29 pilot to the captain and take over command of the pilotage
30 until I dock at Lewisporte.



1 Q. And you do the docking of the vessel?

2 A. I do, at the dock, yes.

3 Q. Have you ever had any complaints from
4 masters as regards your job?

5 A. No sir. It has yet to come as far as
6 I know. I have had no complaint.

7 Q. Is it a regular practice your taking
8 over the navigation of the ship or does it happen the
9 master will navigate the ship and waits for your advice?

10 A. On some occasions.

11 Q. How many times has that happened so far?

12 A. Not - I'd say 20 per cent roughly of the
13 trips I make.

14 Q. How do you feel about that?

15 A. It doesn't worry me too much. If he feels
16 like standing on the bridge that is his business.

17 Q. You don't care?

18 A. Right.

19 Q. You do docking of the ships?

20 A. Right.

21 Q. Previous to your becoming pilot, have you
22 had any experience in docking large steamers?

23 A. Not as pilot.

24 Q. But you have had experience?

25 A. Well, sir, I have been on the Queen
26 Elizabeth and helped to dock her in New York.

27 Q. So you had just about as big a ship as
28 you can have?

29 A. Yes.

30 Q. What years was that?



1 A. During the war in 1941, 1942 and 1943.

2 Q. 1941, 1942 and 1943. How many men - how
3 many deck hands did she have?

4 A. I think had 60 odd people, seamen under
5 my command.

6 Q. Must have kept you pretty busy?

7 A. Pretty busy.

8 Q. Could you tell the Commission the largest
9 draught that you have handled here?

10 A. 31 feet.

11 Q. And the largest tonnage?

12 A. Around 18, sir.

13 Q. Eighteen thousand?

14 A. Yes, sir.

15 Q. Gross?

16 A. Yes, gross.

17 Q. Have you ever had any accidents?

18 A. None whatever.

19 Q. With ships?

20 A. None whatever.

21 Q. To the best of your knowledge, since you
22 have been a pilot, have other pilots had any accidents?

23 A. That is something I wouldn't like to say.

24 Q. We can always have more appear and ask
25 them?

26 A. There have been accidents here but I am
27 not mentioning any names.

28 Q. I don't want you to mention names.

29 A. There have been quite a few.

30 Q. With other pilots, not you?



1 A. Yes.

2 Q. And I mean the Lewisporte pilots?

3 A. One. That one Lewisporte pilot I rem-
4 ember back about 12 years ago, I believe Mr. Manuel - he
5 is out now.

6 COMMISSIONER SMITH: Have there been any
7 accidents with ships coming in without pilots?

8 THE WITNESS: Without local pilots, yes.

9 COMMISSIONER SMITH: Quite a few?

10 THE WITNESS: One or two I can remember
11 here.

12 Q. These ships coming in without pilots, you
13 say there have been a few accidents. What sort of ships
14 were they?

15 A. Regular tankers, 12 - 18 thousand tons,
16 gross.

17 Q. What sort of accidents were they in?

18 A. One last fall, last tanker at the port
19 came in knocking a corner off the Imperial Oil wharf and
20 caused thirty or thirty-five thousand dollars worth of
21 repairs.

22 Q. To the wharf or ship?

23 A. To the wharf and I don't know what to
24 the ship. I was there standing by to tie her up with my
25 vessel and I was waiting 24 hours to take a ship in but
26 got no reply at Lewisporte - the Pilot Commission got no
27 word the ship was in. The first word she was in ---

28 Q. You say you were tying up the ship to
29 your boat?

30 A. Correct.



1 Q. So she was acting more or less as a dock?

2 A. You can call it that if you like but
3 having berthed a ship they take the line and carry in and
4 land on the dock.

5 Q. Could you see the people on the bridge
6 when you were doing that?

7 A. Not what they were doing.

8 Q. Did you receive orders from the bridge?

9 A. The only order we take when docking the
10 boat - the lines are lowered down and point out where they
11 want them.

12 Q. So you don't know who was in charge,
13 whether the master or other person?

14 THE CHAIRMAN: If any other - that was
15 an accident last year. Would you go further into accidents
16 of previous years; what kind they were?

17 MR. JACQUES: That is one accident that
18 you have just mentioned and you said there were several.
19 What about the others? What sort of accident?

20 A. One the year before with the new dock.

21 THE CHAIRMAN: Before leaving this
22 accident, do you know the cause of this accident; why
23 she rammed the pile?

24 THE WITNESS: It is more than I can say.

25 Q. Was it a clear day or foggy?

26 A. Docking facilities and the current and
27 the wind was ideal. I was waiting for her to come in to
28 take the lines.

29 COMMISSIONER SMITH: It would be faulty
30 navigation, would it?

THE WITNESS: Correct.



1 Q. What about the other accidents; would
2 you describe them, please?

3 A. We had one sir last year on the - pract-
4 ically on the same principle - when the new C.N.R. dock
5 was under construction and the ship came in and by-passed
6 the Imperial Oil wharf and before they knew it, she
7 rammed the corner off the new dock. I don't know what the
8 damage was.

9 Q. Q. What size of ship?

10 A. 18 thousand tons.

11 Q. A tanker?

12 A. Tanker.

13 Q. And have a pilot on board?

14 A. Pilot.

15 Q. A Lewisporte pilot on board?

16 A. Black Island pilot.

17 Q. What do you call Black Island pilot?

18 A. That is the one I referred to, the pilot
19 here before I came in as pilot.

20 Q. When I mention Lewisporte pilot, I mean
21 pilots who pilot within Lewisporte limits regardless of
22 where they live?

23 A. Lewisporte pilot, sir.

24 Q. Was there much damage done to the ship?

25 A. I don't know, and I don't know if any-
26 body knows. The only man I do think might know is the
27 Manager of the C.N.R.

28 Q. Do you know who was in charge of the
29 navigation of the ship at the time of the accident?

30 A. I don't like to mention names.



1 Q. Mention a title?

2 A. Black Island pilot.

3 Q. Not the master?

4 A. He was the Black Island pilot.

5 THE CHAIRMAN: Who gave the orders?

6 Q. You couldn't say?

7 A. No. I was not on the ship and don't know.

8 Q. Now, what about aids to navigation?

9 THE CHAIRMAN: Excuse me. Before you go
10 further; that is only for the last five years for accidents.
11 Were there many accidents?

12 THE WITNESS: Well, sir, this last ten
13 years I am, have been here in Lewisporte as a resident
14 for 12 years and that is all that have happened in the last
15 12 years.

16 THE CHAIRMAN: So the two accidents have
17 been in docking?

18 THE WITNESS: Correct.

19 Q. Not in taking through the Narrows and
20 so on?

21 A. No, just the dock.

22 Q. One with a pilot and one without a pilot.

23 A. That is right.

24 Q. THE CHAIRMAN: In previous years were there
25 any accidents in the channels while navigating ships,
26 whether with pilots or not?

27 THE WITNESS: To my knowledge there hasn't
28 been an accident between Black Island and Lewisporte docks
29 and I have been here twelve years.

30 Q. What about aids to navigation between here



1 and Black Island? Do you think they are sufficient? Do
2 they indicate all the dangers and main headlands?

3 A. Only one, sir, the one I spoke about.

4 Q. Which one was this?

5 A. Outside St. Michael's Island.

6 Q. But aids to navigation in the way of lights
7 and buoys?

8 A. St. Michael's Harbour here and Knight
9 Island Rocks.

10 Q. Knight Island Rocks?

11 A. That is the only aid in the run.

12 Q. And a light on the C.N.R. dock here?

13 A. Right. That is the only aids we have.

14 THE CHAIRMAN: We have only one signal.

15 COMMISSIONER SMITH: Mr. Jacques, are you
16 going to ask him if he has any suggestions with regards
17 to additional aids to navigation?

18 Q. Do you find that these three lights are
19 sufficient for safe navigation between Black Island and
20 Lewisporte?

21 A. There is two to my knowledge, Red Rock we
22 referred to.

23 Q. Just a moment. You referred to Mussel
24 Bed Rocks on Chart 4599?

25 A. Yes. I referred to that one and this one
26 here, Seal Rock.

27 Q. Also on Chart 4599?

28 A. That is near Cat Island.

29 Q. And what would you suggest about these
30 two rocks?



1 A. I suggest there be some kind of light es-
2 tablished there, similar to the ones around St. Michael's
3 Island and St. Michael's Harbour Head.

4 Q. Are the three inside lights fitted with fog
5 seals?

6 A. Yes.

7 Q. Any whistle or fog horn?

8 A. No.

9 Q. Do you have much fog?

10 A. Our share of fog.

11 COMMISSIONER SMITH: Are those unwatched
12 lights?

13 THE WITNESS: Yes, sir.

14 Q. Does the fog ever stop traffic completely?

15 A. Occasionally, yes, sir.

16 Q. Do you ever take ships out or in in the
17 fog?

18 A. We take them out in fog when not too dense
19 and take them in and out at night by the help of radar.
20 But, if we had a fog horn on Knight Island Rocks and St.
21 Michael's Harbour Head it would be a help to inside
22 hazards.

23 Q. Make the job easier?

24 A. Much easier, sir.

25 Q. How do you find radar between Black Island
26 and Lewisporte?

27 A. We don't have any difficulties.

28 Q. Do you find it helps?

29 A. Never do without it.

30 Q. Do you rely very much on it?



1 A. Completely rely on it.

2 Q. Has it ever happened that the radar has
3 broken down on one trip?

4 A. Not in my experience.

5 Q. I dare say you have taken ships without
6 radar?

7 A. Hundreds.

8 Q. What about ice; do you have ice navigation
9 to a great extent here?

10 A. We have ice hazards, but as far as the Port
11 of Lewisporte is concerned, it can be opened year-round.

12 Q. From Black Island right down?

13 A. If we had an ice breaker like they have
14 at Botwood. In fact, this port here is less free of ice
15 than Botwood because we have no fresh water and Botwood
16 is on the Exploits River and they get freezeup. I have
17 operated a local boat here year-round and never come into
18 this dock and tie up and hit ice. When I was in Botwood
19 they had an ice breaker in the bays. Only Black Island is
20 there much ice during the winter, depending on the Arctic
21 flow. It comes to Black Island and have to get an ice
22 breaker. In other words, our port would be free as long
23 as Botwood is free; all we need is an ice breaker.

24 Q. As regards your own work as a pilot, does
25 ice prevent you from taking ships in?

26 A. Never did.

27 Q. Do you have to take special precautions
28 when you take ships through the ice?

29

30



1 A. Naturally I have them reduce speed, dead
2 slow or whatever the case may be, to offset the ice hazards.

3 Q. Would you find you have to change route be-
4 cause of ice?

5 A. Very little, sir. We change very little.
6 Only ice floes 50 or 500 yards wide and just pass or divert
7 and avoid it and pick up the channel again. We never
8 leave our regular ship's run.

9 Q. So it is a 12-year round operation?

10 A. With the aid of an ice breaker.

11 COMMISSIONER SMITH: 12-months.

12 A. Well, sir, the right way to say, we are
13 open here as long as Botwood stays open and the flow of
14 this Arctic ice - it blocks the north east coast.

15 Q. The harbour entrance is blocked and ships
16 can't come in?

17 THE CHAIRMAN: The need of an ice breaker is
18 only for the entrance for Black Island.

19 THE WITNESS: No sir. From Black Island in
20 here is what we need. Black Island out -- once heavy ice
21 comes up an ice breaker can't help.

22 COMMISSIONER RENWICK: Where is it based,
23 the ice breaker?

24 THE WITNESS: St. John's. She comes up
25 through Botwood when the paper boats are in - move in
26 and out. There has been times she has been stalled here
27 in Botwood and the complete north-east coast, when the
28 Arctic ice comes up; had none this year to effect us
29 outside Black Island.
30



1 COMMISSIONER SMITH: Is that government
2 ice breaker - I am assuming it is a government ice breaker --

3 THE WITNESS: Something the same, yes.

4 COMMISSIONER SMITH: You don't know whether
5 private or government owned?

6 THE WITNESS: Federal.

7 COMMISSIONER SMITH: She comes to Botwood on
8 request of the company there, I presume, to break ice to
9 allow them to get their shipping going. Would she come
10 here on request?

11 THE WITNESS: Correct, sir, she would. She
12 would come here.

13 COMMISSIONER SMITH: At this port the
14 same as Botwood?

15 THE WITNESS: She came here this spring; in
16 about three weeks ago.

17 THE CHAIRMAN: We have seen one in the
18 St. John's harbour.

19 THE WITNESS: We have Sir Humphry Gilbert,
20 Wolfe and Labrador, four or five of them.

21 THE CHAIRMAN: Did you say anything about
22 currents inside the bay?

23 THE WITNESS: We don't have too great a
24 current here, sir. Only when we have tides - what we
25 call full moon and new moon. We have a bit of current at
26 the rise and fall of water.

27 THE CHAIRMAN: The maximum is about six
28 feet?

29 THE WITNESS: Maximum 6.

30 Q. So not too much current and during the



1 winter even if the ice flows it does not create too
2 great a hazard?

3 A. It wouldn't at all, sir, no.

4 Q. Now sir, with the extra aids to navigation
5 which you mentioned on Mussel Bed Rocks and Seal Rock,
6 do you think the masters could take their own ships into
7 Lewisporte without the assistance of a pilot?

8 A. Well sir, that is more than I could say.
9 There would be some that could and some that couldn't
10 or wouldn't.

11 Q. Could not or would not?

12 A. Could not or would not.

13 Q. Yourself, have you known masters who have
14 come to Lewisporte quite regularly, quite often?

15 A. The only masters I know that come quite
16 often is Imperial tankers masters.

17 Q. And what size is that ship?

18 A. About 4 thousand tons, gross.

19 Q. 4 thousand tons, gross. And does he
20 always take a pilot?

21 A. No, come without a pilot.

22 Q. Do you know why?

23 A. Well sir, I guess they are getting away from
24 the pilot fees.

25 THE CHAIRMAN: They are Canadian registry?

26 THE WITNESS: Yes.

27 Q. I take it there are no welfare schemes
28 or pension schemes at all for the pilots here?

29 A. That is correct.

30 Q. Have you ever given some thought on payment



1 of dues here, whether they are compulsory or not, payment
2 of pilotage dues?

3 A. I have given it some thought, sir, but we
4 haven't had compulsory pilotage here and there isn't
5 much we actually can do about it.

6 Q. Port aux Basque apparently feel that the
7 payment of dues is compulsory and yet they work under
8 exactly the same Act as you do here and they seem to think
9 it is compulsory and seems to have been accepted as com-
10 pulsory in Port aux Basque. I am just mentioning that
11 I know from the documents filed you are not licenced or
12 last year you were not licenced?

13 A. No, sir.

14 Q. Why is that, sir?

15 A. Well, sir, the Pilot Commission here
16 is something like I said in the past running on the same
17 principle as ten, twelve or fifteen years back and there
18 hasn't been much done about it.

19 Q. Now you also, in that 10 per cent of the
20 dues as retained by the Commission for administrative
21 purposes and also to give a very, very small pension to
22 the three Commissioners - what are your views on that?
23 Have you any objection to that?

24 A. None whatever, sir.

25 Q. None whatever?

26 A. No.

27 MR. JACQUES: Thank you.

28 COMMISSIONER SMITH: If your worship
29 pleases, I would like to ask the captain a couple of
30 questions.



1 What percentage of ships, and speaking of the
2 larger craft, would come in with a pilot as against those
3 that would come in without a pilot?

4 THE WITNESS: Well sir, to include this
5 would mean not local shipping, what we call freight
6 shipping.

7 COMMISSIONER SMITH: Any large type of
8 vessel. I don't mean little fishing craft, but any of
9 the larger type?

10 MR. JACQUES: Any ship over 250 tons?

11 THE WITNESS: It is hard to estimate to
12 tell you the truth because the larger ships pick up pilots
13 at St. John's and they know the setup here. I'd say
14 50, 60 per cent comes in without local pilot.

15 COMMISSIONER SMITH: 60 - 40?

16 THE WITNESS: 60, yes.

17 COMMISSIONER SMITH: You have been a pilot
18 for the past three years according to your evidence?

19 A. I have been operating here the last 18
20 years in this bay but piloting for the last three years.

21 COMMISSIONER SMITH: Yes. What were your
22 earnings in those three years? I take it 1960, 1961 and
23 1962 you were a pilot?

24 THE WITNESS: Right, sir.

25 COMMISSIONER SMITH: What were your earn-
26 ings? Do you have a record?

27 THE WITNESS: I haven't got a record, sir,
28 but to be straight with you it wasn't enough to interest
29 me in the pilotage business. We were only getting about
30 30 or 40 per cent of the ships coming in so not enough



1 to make a man interested in it.

2 COMMISSIONER SMITH: The Chairman tells me
3 that information is filed.

4 MR. JACQUES: If you want it for purposes
5 of discussion this morning the Secretary will assist you.

6 COMMISSIONER SMITH: No, I don't think it
7 is necessary. If it is filed that is all that is important.

8 That is all, my lord, I have to ask.

9 THE CHAIRMAN: I had the same question as
10 you.

11 THE SECRETARY: I have it here.

12 THE CHAIRMAN: There is a difference in
13 the shipping last year. You didn't have as many ships
14 last year, but there was quite a difference in fees.

15 THE WITNESS: Right.

16 THE CHAIRMAN: Smaller ships?

17 THE WITNESS: No, I wouldn't say that. The
18 fact the pilot didn't get the opportunity to take them
19 in; they were taken in by outside pilots like from St.
20 John's for instance. They were aboard but who gave the
21 orders.

22 MR. JACQUES: Very difficult question to
23 answer.

24 THE CHAIRMAN: Thank you very much.

25

26 LEWIS LAYDEN, sworn

27 DIRECT EXAMINATION BY MR. JACQUES:

28 Q. What is your full name, sir?

29 A. Lewis Layden.

30 Q. And your age?



1 A. 45.

2 Q. And I believe you are Secretary of the
3 Local Pilotage Commission, are you not?

4 A. That is correct.

5 Q. I show you a document including 8 pages
6 entitled, "General by-law of Lewisporte Pilotage Authority".
7 Do you have a copy?

8 A. I have a copy, sir.

9 Q. This document is a proposed text of a new
10 by-law for your Local Authority which would be adopted after
11 by-law 6 of the Canada Shipping Act has been declared.
12 Have you and your Commission studied this document?

13 A. We have studied this document, my lord.

14 Q. What comments would you care to make on
15 this text or any of its provisions?

16 A. We, the Commission, have studied the text
17 and we are not too sure it will mean, if enacted and passed,
18 that it will actually cover everything.

19 Q. Yes.

20 A. But we consider it a big improvement over
21 what we have now and at the time that we studied it we
22 thought it was ideal for pilots of the Pilotage Commiss-
23 ion at Lewisporte and would provide them with rules and
24 regulations.

25 Q. I haven't seen it, but does it provide
26 for compulsory payment?

27 Section 5 entitled, "Compulsory Payment of
28 Pilotage Dues", have you studied the effect this Section
29 would have on the earnings of your pilots?

30 A. No, we haven't studied what effect it



1 actually would have. We just took for granted that it
2 would have the desired effect.

3 Q. Now, sir, on the last page there is a scale
4 of fees entitled "Schedule ~~Tariff~~ of Pilotage Dues".

5 Would this represent an increase over your
6 present one?

7 A. It would, my lord, represent a fair
8 increase.

9 Q. These figures which are given for example
10 for a vessel not over 80 tons, \$11.00. Were they pre-
11 pared by your Commission or by someone else for you?

12 A. These figures were prepared by, at the
13 Superintendent of Pilotage's office, in Ottawa. I just
14 don't know how but a representative of the Superintendent
15 of Pilots visited Lewisporte in 1961 and the matter re-
16 garding pilotage for the district was discussed with him and
17 after his return to Ottawa this new set of by-laws and
18 rates were sent, after being compiled in the Superintendent
19 of Pilotage's office. They were sent to the Commission
20 at Lewisporte for their study and approval and we
21 approved them as they were, without any changes and these
22 are the rates that were set.

23 Q. Have you studied the increase in salary
24 these new rates would represent for your pilots?

25 A. No, my lord.

26 MR. JACQUES: I would like to file these
27 documents as Exhibit No. 266.

28
29 ---EXHIBIT NO. 266: Draft of by-laws to be adopted
30 by Local Pilotage Commission after
Part 6 of the Canada Shipping Act
is declared.



1 CAPTAIN SLOCOMBE: Could I give a word of
2 explanation on this. As your lordship knows, the Depart-
3 ment is not yet under responsibility for pilotage in Lewis-
4 porte. It is administered by the Local Commission. Even
5 if Part 6 of the Act were declared, the situation would
6 remain the same. The Department would not have any
7 direct responsibility for the act of the district, but
8 we approved these by-laws to be helpful which are along the
9 similar lines to other districts and sent them to the
10 Commission for their approval and discussion and Captain
11 Sealy, one of my associates, came and discussed that with
12 the Local Commission some years ago.

13 These by-laws are suggested by-laws in order to
14 have some sort of uniformity between districts.

15 MR. JACQUES: But any by-law made here would
16 not necessarily meet the approval of governor-in-council.

17 CAPTAIN SLOCOMBE: It is to come through
18 Minister of Transport.

19 COMMISSIONER SMITH: And anticipating
20 constitutional changes that might come later on.

21 MR. JACQUES: This concludes the evidence
22 I have to bring before the Commission.

23 It was mentioned before the Commission here you
24 are the one calling for pilots and you are the one re-
25 ceiving notice from agents?

26 THE WITNESS: That is correct.

27 MR. JACQUES: They contact you by tele-
28 phone or wire?

29 THE WITNESS: Sometimes when a ship is
30 due in Lewisporte their agents probably sent a represen-



1 tative to Lewisporte and advise me.

2 . THE CHAIRMAN: It works pretty well, does
3 it?

4 THE WITNESS: It does.

5 Q. We just heard there was one instance last
6 year where the ship was in the port before you knew it
7 was coming. You had advance E.T.A. but you didn't get
8 the last one apparently.

9 A. What happened in that case, and it has
10 happened before, I can't name exactly the times, but in
11 this particular case -- it will give you an indication --
12 The company advised the Pilotage Commission they were
13 having a very large ship coming and the approximate date
14 of arrival at Lewisporte. They couldn't say to us we
15 need a pilot. That was up to the agent, so on the
16 strength of that advice the pilot sat around for a
17 couple of days expecting the agent to ask for a pilot
18 and it didn't materialize. He didn't ask for a pilot
19 and it came in without the aid of a Lewisporte pilot.

20 THE CHAIRMAN: I understand.

21 MR. JACQUES: Would anyone else like to
22 address the Commission on Pilotage?

23
24 FRED J. CARPENTER, sworn

25 DIRECT EXAMINATION BY MR. JACQUES:

26 Q. State your full name, please?

27 A. Fred J. Carpenter.

28 Q. And your age?

29 A. 50.

30 Q. And your occupation?



1 A. Business manager.

2 Mr. Bernier, Mr. Smith, Mr. Renwick and other
3 members of the Commission, I am by no means a nautical man
4 but, as a member of the Chamber of Commerce, I would like
5 to express the Mayor's welcome to the town. We are glad
6 to have you here.

7 In my point of view in order to give an efficient
8 pilotage service to the Town of Lewisporte you must have
9 something to make it attractive to the people concerned
10 so they will be interested. There are ships that will
11 not come into the port unless they have pilotage service
12 and in order for Lewisporte to provide that service, I
13 think we have to have a pilot. In order to have a pilot,
14 he has to have some remuneration and can't let him stand
15 around and wait for one or two ships a year.

16 We should have a system whereby at the pilot
17 station, should be compulsory all ships coming in would
18 have to pay a pilotage fee and that would enable a man
19 to be able to go into that type of work.

20 Take Mr. Dwyer, a local man here. You couldn't
21 expect him to sit on a chair in Lewisporte expecting a
22 ship coming from Europe would telephone or wire they need
23 a pilot and the same week have five or six other ships say
24 they don't want a pilot. But, if a ship is coming over
25 and say they want a pilot we can't bring one from St.
26 John's.

27 COMMISSIONER RENWICK: Could I interrupt
28 there? Have you a record here of how many ships do
29 come in that should be piloted?

30 THE WITNESS: The pilot has already given



1 you an estimate but I think he is very high. He says 60-
2 40 and I would say 90-10.

3 Q. Not thinking of percentages?

4 A. Well...

5 Q. Six have been piloted, but are there another
6 20 come in here?

7 A. I don't get you clear.

8 Q. How many ships a year come in here, not
9 talking about small craft?

10 A. We have tonnagewise close to a million
11 tons. A lot of these are tankers and as far as accidents
12 go I can speak on this; I am representative for Shell
13 here and this accident Mr. Dwyer referred to that tore
14 down the new federal wharf, damage was quite extensive
15 and it cost the people concerned and the insurance quite
16 a bit of money.

17 Another near accident, and the pilot wasn't
18 presant but I remember seeing a ship come up over to
19 here ----

20 Q. Where do you mean?

21 A. Way up past where she is supposed to dock
22 The conditions on that --. I am just a spectator on this
23 but I am telling you what did happen.

24 THE CHAIRMAN: She was going to be crushed?

25 THE WITNESS: Yes, she just missed, the
26 ship missed connecting with the wharf and carried on at
27 excessive speed.

28 Q. When speaking of Lewisporte pilots, of
29 course, we have Mr. Dwyer living here in Lewisporte and
30 the other pilot referred to is a resident of Black



1 Island, and it should be understood that the small fee
2 he receives - uses his own boat - and doubtful if the fee
3 he receives when taking a boat out to Black Island and
4 paying a man and crew to bring it back pays him, so he
5 is doing a mercy of love.

6 COMMISSIONER SMITH: In connection with the
7 compulsory pilotage scheme you mentioned, what would your
8 opinion be about compulsory pilotage?

9 THE WITNESS: Well, we understand that in
10 some harbours, some ports, that all ships entering a
11 certain area, in the harbour area, they have to have a
12 pilot and pay pilotage fee. I am not an authority on
13 these things.

14 COMMISSIONER SMITH: You are on the right
15 track.

16 THE WITNESS: I know there is certain
17 ports in this place where pilot or no pilot, for instance,
18 the pilot station at Black Island, a ship passes by, the
19 Commission collects a fee regardless of a pilot taken on
20 or not.

21 COMMISSIONER SMITH: One further step - your
22 understanding is quite correct. One further step forces
23 every ship to take a pilot; not optional, pilot or paying
24 the dues; but forcing him actually to take a pilot and
25 pay the dues, of course.

26 THE WITNESS: Yes.

27 COMMISSIONER SMITH: Every ship must have a
28 pilot on board if over a certain size and taking into
29 account all the statutory exemptions that are already
30 provided for in the law.



1 THE WITNESS: Yes.

2 COMMISSIONER SMITH: What would your opinion
3 be about that?

4 THE WITNESS: That is what we had in mind
5 and what we want to get organized - under the Canada
6 Shipping Act what are the terms, what is the usual pro-
7 cedure in other ports in the Atlantic area.

8 We think harbour business is going to grow here
9 and in order to give efficient service to shipping I
10 think we should have facilities of a pilot and in order
11 to have these facilities, we have to make it worthwhile
12 to him.

13 Q. Should masters be forced to have a pilot
14 on board his ships - should he be forced?

15 A. That is a hard question to answer.

16 Q. I mean that every ship over and above a
17 certain size, that is not exempt under the law, should
18 be compelled to have a pilot on board?

19 A. I think you should have a pilot coming
20 into the harbour.

21 Q. You think it is that dangerous in clear
22 weather and so on, he should have a pilot?

23 A. I think so.

24 Q. If it is then a question of security -
25 that the dangers are so great that you expect even in
26 clear weather and good conditions, you expect accidents,
27 then the pilot should always be on board. But while you
28 are obliged to maintain a service because of certain con-
29 ditions it is dangerous, then it is only compulsory
30 payment you want. For instance, going to the Panama Canal



1 or Suez you could have a pilot on account of hazards, even
2 the St. Lawrence River, on a clear day and with good charts,
3 maybe you don't need a pilot but when the fog sets in
4 and high winds, so the master should have the choice
5 maybe but in any case, as a service has to be maintained,
6 they all have to pay. So as long as they pay that is all
7 you need.

8 If you have to provide a pilot for each ship com-
9 ing in you might have more than one pilot to be able to
10 ask, but if compulsory payment, one pilot is sufficient.

11 THE WITNESS: What we want is remuneration,
12 something to make it worthwhile for a man to stand by.

13 COMMISSIONER SMITH: A permanent man with
14 a decent income and maybe a substitution also that could,
15 a part-time one that could act as a substitute in case
16 of illness or anything.

17 THE WITNESS: I don't know if there is
18 any system in the Department of Transport or Canada
19 Shipping Act where pilots can contribute through any other
20 source. When we say compulsory pilotage we mean fees.

21 COMMISSIONER SMITH: There is the safety
22 aspect of the thing. We had a case presented to our
23 attention in Prince Rupert where a ship under compulsory
24 payment, there if you don't take a pilot you have to pay.
25 This ship didn't take a pilot although it had to pay pilot-
26 age dues. It didn't take a pilot because it could save
27 a lot of travelling expenses and detention charges for
28 a pilot to come from Vancouver to Prince Rupert. The
29 master of the ship took his ship into Prince Rupert and
30 when he got into the entrance of the harbour he ran into



1 fog unexpectedly and ran his ship ashore and it cost the
2 owners of the ship quite a lot of money. There was a
3 case of a master trying to save, I think, an estimated
4 amount of \$300.00 of travelling fees, detention charges and
5 so on, and in the end it cost the ship owners, in pre-
6 liminary repairs alone in Vancouver before she got back
7 to her country of origin, fifty or sixty thousand dollars.
8 So the question of safety is really a salient aspect in
9 my judgment. I might not have anyone to agree with me.

10 THE CHAIRMAN: May I ask you to do a
11 little task. In order to find out what kind of traffic
12 you have and the extent of it, would it be possible for
13 you to arrange that a log be kept of all the ships coming
14 here from now up to the end of the year, up to the end
15 of December, and send that to us in Ottawa showing all the
16 ships over - let us say 50 tons?

17 COMMISSIONER SMITH: I wouldn't want him
18 to choose because he would have to look up the registration.
19 I'd say anything coming in, say fishing boats under
20 Canadian registry.

21 THE CHAIRMAN: Oh, yes. Giving names, date
22 of arrival and tonnage if you have it and if not it is all
23 right and whether they took or didn't take a pilot.

24 MR. JACQUES: If you could work it back to
25 the first of January?

26 THE WITNESS: I think we can make an attempt
27 at it.

28 THE CHAIRMAN: That might help quite a lot
29 otherwise it is only guessing. You know Imperial Oil have
30 a lot of tankers coming in, 3 or 4 a week in the summertime.



1 MR. JACQUES: You could ask the master how
2 many trips he has made.

3 THE CHAIRMAN: Any further thing to add?

4 Well, we thank you very much. I think we have
5 learned a lot of your organizations. And, should you find
6 out anything else to say it doesn't mean because we leave
7 the investigation is closed. Anything further that is
8 interesting or any other argument, just feel free to write
9 us and to send it to us. We are not expecting to write
10 our report before the beginning of next year because we
11 will be sitting up to the end of December and maybe Jan-
12 uary so therefore send everything you may find interesting
13 to help us in this.

14 Should we find it necessary to obtain further
15 information when we read over the records or when we
16 receive your letters, then we will call upon you to give
17 us further information.

18
19 ---Whereupon the hearing adjourned at 12:15 P.M.
20
21
22
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30



ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Court House, Botwood,
Newfoundland, on the 4th day
of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. F. S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Esq.

Also Present:

Capt. F. S. Slecombe, Department of
Transport and Liaison Officer

Capt. J. S. Scott, Nautical Advisor
to the Commission



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1 THE CHAIRMAN: We are glad to be here in
2 Botwood and you know what our task is. It is to find,
3 across Canada, what pilotage is.

4 It seems very easy to start with, but
5 when we have been around for some time, we find there may
6 be as many different types of pilotage as there are
7 places where pilotage is performed across Canada and
8 maybe that is one of the reasons for the inquiry.

9 Before amending laws or making alterations the
10 government would like to know what pilotage is in
11 Canada, so we are here to find the facts, what it is to
12 you pilots here and whatever help you can give us will be
13 very much appreciated.

14
15 ANDREW PIERCE, sworn

16 DIRECT EXAMINATION BY MR. JACQUES:

17 Q. State your full name and age, please?

18 A. Andrew Pierce.

19 Q. And your age?

20 A. 57.

21 Q. You are a pilot for Botwood, are you not?

22 A. I am;

23 Q. What sea experience have you had before
24 becoming a pilot?

25 A. A few years in sailing vessels.

26 Q. Sailing vessels?

27 A. Yes.

28 Q. How many years, approximately?

29 A. Four or five years.

30 Q. And when was that?



1 A. That was back in the 1920's, late 20's
2 and early 30's.

3 Q. When did you become a pilot here?

4 A. In 1937.

5 Q. In 1937. You have been a pilot 26 years
6 in Botwood?

7 COMMISSIONER SMITH: Are you going to ask
8 where he had the four or five year's experience?

9 Q. Do you hold a certificate of competency of
10 any kind?

11 A. Only temporary masters certificate.

12 Q. When did you obtain that certificate?

13 A. Two years ago.

14 Q. Two years ago. Apart from your pilotage
15 job, do you do any other work?

16 A. Yes. I work with the Montreal Shipping
17 on their little ice breaker, 44 foot long, Crystal Falls.

18 Q. Where is she stationed?

19 A. At Botwood.

20 Q. How long have you been on that ice breaker?

21 A. Three winters.

22 Q. How many months does it keep you occupied
23 during the winter?

24 A. About four months. From early December
25 until the 15th or end of April.

26 Q. And where does she work?

27 A. In the Port of Botwood and little Bay of
28 Exploits in the river, channel.

29 Q. And what was the size and tonnage of the
30 sailing ships you were on?



1 A. About 46 tons. I was on the same ship
2 each year, Labrador Coast.

3 Q. She traded on the Labrador Coast?

4 A. Fishing.

5 Q. She wasn't carrying cargo?

6 A. No.

7 Q. Did you say you were on steam vessels?

8 A. No, only sail.

9 Q. Would you describe briefly the pilotage
10 district of Botwood?

11 A. Yes.

12 Q. You have some charts before you and you
13 can use them if you wish. Where it starts and where it
14 ends?

15 A. It starts, the boiler station is located
16 right here (indicating).

17 Q. Indicate the station with a red circle on
18 Chart No. 4595.

19 COMMISSIONER SMITH: Is that the name?

20 THE WITNESS: Surgeons Cove, sir.

21 Q. And on Exhibit No. 232. And it is the
22 seaward limit of your district?

23 A. Yes.

24 Q. Would you indicate on this Chart the route
25 which you follow to Botwood, drawing a red line.

26 A. Witness complies.

27 Q. Would you continue tracing this through
28 on the next Chart which is Chart No. 4596, Exhibit 233?

29 A. Witness complies.

30 Q. And continue again on Chart 4597, Exhibit



1 234. And we arrive in Botwood.

2 What is the total distance you travel in the
3 district from the seaward station to Botwood?

4 A. 25 miles.

5 Q. 25 miles. Would you briefly explain to
6 the Commission the main navigational difficulties and
7 hazards on this route?

8 A. Well to start from the beginning, it is
9 fairly deep water; there is no foul ground at all.

10 Q. Not throughout the route?

11 A. You can come right up close, mostly right
12 along until we get into this, there is the first one..

13 Q. What do you call this?

14 A. Philips Head Shoal and Sandy Point on the
15 other side.

16 Q. How much water have you in front of the
17 land?

18 A. $5\frac{1}{4}$ fathoms on the shoal.

19 Q. Is it indicated by any aid to navigation?

20 A. None whatever. There is a light on Sandy
21 Point.

22 Q. A watched light or unwatched light?

23 A. Unwatched.

24 Q. Is it normally on or does it happen it goes
25 out?

26 A. Sometimes it goes out.

27 Q. Is that very frequent?

28 A. Not very frequent.

29 Q. And when it goes out, how long does it stay
30 out?



1 A. It depends, usually if we see it, if we
2 are the first to see it, which normally we are, we report
3 it to the keeper right away and within a matter of five
4 or six hours he can have it relit.

5 Q. There is a keeper?

6 A. Yes, but not living on the light. It is
7 really an unwatched light, but there is a man looking
8 after it.

9 Q. Where does he live?

10 A. Exploits.

11 Q. And how far is that from Botwood?

12 A. 25 miles.

13 Q. So you inform him it is out and he sees
14 it is relit?

15 A. There is one here. The man from Botwood is
16 working this one.

17 Q. What do you mean, "this one"?

18 A. Mill Point.

19 Q. And it is another light which is unwatched
20 or watched?

21 A. Unwatched. There is Sandy Point.

22 CAPTAIN SCOTT: What section on the Bay
23 of Exploits?

24 THE WITNESS: Middle Section.

25 Q. Chart 4596?

26 A. Lower Sandy Point. And the next one is
27 Grassy Island.

28 Q. Grassy Island. Is this watched or un-
29 watched?

30 A. Unwatched.



Pierce, dir.ex.
(Jacques)

1 Q. Yes.

2 A. The next one is Cabbage Head.

3 Q. Is it unwatched also?

4 A. Unwatched also.

5 Q. These last two mentioned lights, do they
6 go out very frequently?

7 A. No, sir.

8 Q. How many times do they go out a year?

9 A. I couldn't say, maybe once or twice.

10 Q. And how long is it before they are brought
11 into operation again?

12 A. As I said with the other one, we do the
13 same procedure. We notify the keeper. That is what I am
14 trying to tell you. This one, and the next one is the
15 same keeper.

16 Q. Chart 4595?

17 THE SECRETARY: Exhibit 233.

18 THE WITNESS: Black Island.

19 Q. Upper Black Island. And is Upper Black
20 Island light unwatched also?

21 A. Unwatched also.

22 Q. And how is it operating? Is it on most
23 of the time?

24 A. Yes.

25 Q. On most of the time. What is the longest
26 period these lights have been out in your experience?

27 A. Oh, maybe about two days sometimes. It
28 depends on what time you can notify the keeper, or the
29 weather.

30 Q. Does it prevent you from taking ships in



1 and out?

2 A. No, it does not.

3 Q. Apart from this shoal you have mentioned
4 are there any other dangers, any navigational difficulties
5 on your route?

6 A. No it is a very, very bold channel sir.

7 Q. What about current; how is the current?

8 A. Not enough to be of any danger. It is
9 about 2 knots.

10 Q. In what direction does it flow?

11 A. Out.

12 Q. With the channel?

13 A. With the channel, out towards the entrance.

14 Q. No experience of cross-current?

15 A. Nothing to effect it.

16 Q. Inside the harbour, if you would consult
17 Chart No. 4524, Exhibit 229, inside the harbour are there
18 any dangers, navigational dangers?

19 A. Not navigational dangers. We do get quite
20 a current sometimes in docking ships.

21 Q. At which docks?

22 A. All of them. It is a current here.

23 Q. In which direction does this current
24 flow?

25 A. Usually flows out.

26 Q. Would you indicate it by a red arrow on
27 Chart 2524?

28 A. It flows both ways.

29 Q. Well, does it follow the tide, the
30 tidal movement?



- 1 A. Outward and inward.
- 2 Q. Indicate the ebb with a red arrow, please?
- 3 A. Witness complies.
- 4 Q. And the flood with a green one, please.
- 5 A. Witness complies.
- 6 Q. I note that you indicate an arrow parallel
- 7 to dock for both ebb and flood current. What would be
- 8 the velocity of those currents?
- 9 A. Sometimes I guess it reaches four or five
- 10 knots.
- 11 Q. For ebb or flow?
- 12 A. Ebb.
- 13 Q. Ebb four or five knots; and flood?
- 14 A. Maybe two.
- 15 Q. Would this current make the docking of
- 16 a ship dangerous or difficult?
- 17 A. Sometimes difficult, yes, sir.
- 18 Q. So to the best of your knowledge these
- 19 are the only navigational dangers or difficulties which
- 20 exist?
- 21 A. In clear weather; of course, with foul
- 22 weather it is different altogether, I guess.
- 23 Q. Do you have much fog?
- 24 A. Sometimes, in the spring.
- 25 Q. Does the fog last very long?
- 26 A. In the spring it will sometimes last for
- 27 days. In the fall - in the autumn season - with the
- 28 wind blowing over the fresh water in the first part of
- 29 the morning until the sun gets high enough.
- 30 Q. And that clears?



1 A. That clears it.

2 Q. When you have heavy fog are you able to
3 handle traffic just the same?

4 A. Not very often we ever had to stop,
5 very seldom.

6 Q. How do you navigate in fog?

7 A. With radar. Now it is even better than
8 it was before radar.

9 Q. But even before radar you felt confident
10 to take a ship out?

11 A. Once in my experience I had to stop in
12 fog, that was river fog.

13 Q. Why did you have to stop?

14 A. It was too thick; you couldn't see.

15 Q. Now with radar you don't have to think
16 about fog as something which would slow down traffic?

17 A. No.

18 Q. What about ice during the winter; do you
19 have much ice?

20 A. Sometimes quite a lot of ice but in other
21 years it is not so much.

22 Q. Would the ice accumulate in the inlet or
23 stay outside of your station?

24 A. It accumulates in the inlet. The Arctic
25 ice, or the outside, is around the end of February or
26 15th of March that starts coming and that works on the
27 outside.

28 Q. What effect does this ice have on traffic?

29 A. It does come that you can't move at all
30 on the outside ice - never I don't think - you could move



Pierce, dir.ex.
(Jacques)

1 with an ice breaker in the channel.

2 Q. In the channel?

3 A. With the local ice.

4 Q. And when you refer to the ice breaker, do
5 you refer to your local ice breaker?

6 A. You must have an ice breaker, local or
7 federal. It can be too heavy for the local ice breaker,
8 the Crystal Falls. If it is six or seven inches it is
9 too heavy for her. It can go up to 4 feet, 22, 24 or 26
10 inches, and you need a heavier ice breaker.

11 Q. In your past experience how many times has
12 it happened traffic came to a standstill because of ice?

13 A. Never because of the local ice, but the
14 Arctic ice, yes.

15 Q. Am I right in saying this ice is always
16 outside your district, outside your pilot station?

17 A. If there is no local ice, with a north-
18 east wind it can come right to Botwood.

19 Q. It does go right to Botwood?

20 A. Very seldom. Not too often this happens.

21 Q. Does this create a hazard for navigation
22 in the channel?

23 A. Yes.

24 Q. Does it prevent navigation altogether?

25 A. Not if there is a heavy ice breaker, but
26 in the winter time, in March, it would freeze together and
27 make it very difficult.

28 Q. When you navigate through ice in your
29 channel, do you have to take any special precautions?

30 A. Yes. You must run slow.



Pierce, dir.ex.
(Jacques)

1 Q. Must you follow channels in the ice?

2 A. You must follow channels.

3 Q. Based on your experience, where are these
4 channels in the ice as regards each side of the coastline?

5 A. Each side of what?

6 A. The coastline?

7 A. In this channel, that red line I put there,
8 it is just the one line right through.

9 Q. But when you navigate through channels in
10 ice do you follow the coast or are channels alongside the
11 coast?

12 A. The channels are in the centre of the
13 river.

14 Q. In the centre of the river.

15 A. The channel as made with the ice breaker
16 is right through the centre of the river.

17 Q. Does it stay open very long?

18 A. It depends. If freezing, no, it will
19 freeze over immediately.

20 Q. Almost immediately?

21 A. As soon as you have gone through.

22 Q. A matter of hours or half a day?

23 A. No, hours, even less, 12 or 15 below zero
24 it is frozen over as soon as the water stops moving from
25 the propellers. It will start to freeze right away.
26 Twenty-four hours freeze a couple of inches.

27 Q. Do you have any difficulties in procuring
28 the services of an ice breaker?

29 A. Sometimes yes, sir.

30 Q. Do you think the actual aids to navigation



Pierce, dir.ex.
(Jacques)

1 in the channel are sufficient?

2 A. No, it hasn't been.

3 Q. What would you suggest?

4 A. I suggest more ice breakers, or an ice
5 breaker all the time so you don't have to wait for it.

6 Q. As regards lights, buoys, is that
7 sufficient?

8 A. Lights, there are lights. I personally,
9 would like to see one of them shifted.

10 Q. Where shifted?

11 A. Grassy Island. I would like it at Philips
12 Head. This one moved over here.

13 Q. You mean Sandy Point moved to Philips
14 Head?

15 A. Yes.

16 Q. Has this request been made to the De-
17 partment of Transport?

18 A. I don't think so. I did mention it to the
19 Superintendent of Lights in St. John's, Mr. Stone.

20 Q. How long ago?

21 A. When that was renewed on Sandy Point but
22 just had finished a couple of days and said if I had
23 spoken before we built the tower it could have been
24 put there.

25 Q. How long ago was that?

26 A. I don't remember off hand, sir. Maybe
27 10 or 12 years.

28 Q. And 10 or 12 years?

29 A. Yes.

30 Q. How do you board incoming vessels?



- 1 A. How do we board them?
- 2 Q. Yes?
- 3 A. With small boat 22 feet long.
- 4 Q. With a small boat 22 feet long. Sail or
- 5 motor?
- 6 A. Motor.
- 7 Q. Is she decked?
- 8 A. Yes.
- 9 Q. Is she licenced to carry passengers?
- 10 A. No, not passengers.
- 11 Q. Has she any certificates of any kind?
- 12 A. No.
- 13 Q. No certificate of any kind?
- 14 A. She is not the size.
- 15 Q. Is that boat owned, to the best of your
- 16 knowledge, by the Pilotage Commission?
- 17 A. By the Pilotage Commission.
- 18 Q. Does it bear any distinguishing marks?
- 19 A. "Pilot Boat" is written across the side
- 20 of it.
- 21 Q. At night does it carry lights?
- 22 A. Carries lights.
- 23 Q. Pilot Boat and Station?
- 24 A. Yes.
- 25 Q. Where is that boat stationed?
- 26 A. At Surgeon's Cove.
- 27 Q. Apart from that boat is there a pilot
- 28 station there?
- 29 A. Yes.
- 30 Q. Would you describe that pilot station?



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Pierce, dir.ex.
(Jacques)

1 A. Type of building?

2 Q. Yes, if there is a building?

3 A. One storey, one room, and that's about all there
4 is to it. Just a little one room building.

5 Q. Equipped with telephone, radio?

6 A. Radio-telephone, B.H.F. and a main
7 telephone to the lighthouse and post office at the
8 Village of Exploits.

9 Q. Which lighthouse?

10 A. On Surgeon's Cove Head - we haven't gone
11 to that one yet - this one.

12 Q. Your station on Surgeon Cove has a tele-
13 phone connection with Surgeon Cove Lighthouse?

14 A. That's right.

15 Q. And also post office at Exploits. Is that
16 station manned by anyone?

17 A. No. Only by the pilots when we are
18 there. There is someone there most of the time. Any
19 time we are there and there are no ships moving, we may
20 leave it for a day or two but most always someone there.

21 Q. One of the two pilots?

22 A. They spend most of the time there; lots
23 of times there is a hired man there if we are away to
24 look after the boat.

25 Q. Is there someone regularly on duty 24
26 hours a day during the traffic season?

27 Q. With the exception of those few days we
28 are not, there is no ships moving, but when there is some-
29 one there they are on duty 24 hours a day, yes.

30 Q. How do you get there?



1 A. By boat?

2 Q. Do you live here?

3 A. I live at Botwood.

4 Q. Do the other pilots live here?

5 A. Yes.

6 Q. And your hired man lives here?

7 A. In Exploits.

8 Q. So comes from Exploits to the station?

9 A. Yes.

10 Q. Do you use the pilot boat to travel back
11 and forth between the pilot station and Botwood?

12 A. We do.

13 Q. How long does it take to go out there?

14 A. About four hours.

15 Q. How long has radio-telephone been in-
16 stalled?

17 A. Three years.

18 Q. And who receives the E.T.A. of vessels
19 and requests for pilots?

20 A. All the pilots use the radio-telephone.

21 Q. All pilots. So they look after that
22 themselves?

23 A. The pilots look after it themselves, yes.

24 Q. What is the procedure for a ship entering
25 Botwood to obtain the services of a pilot?

26 A. What do you mean by that?

27 Q. How does she go about it?

28 A. Notified by the ship's master, notified
29 by the Montreal Shipping Agent, and if he is a stranger
30 he is advised of all happenings around and what he must



1 do and where he will find a pilot and the pilots will be
2 there waiting for him.

3 Q. Are your services ever requested by local
4 steamship agents?

5 A. No. Steamship agents, what do you mean,
6 the agents at Botwood, Montreal Shipping Agents?

7 Q. Yes.

8 A. Only with the Crystal Falls in the winter
9 time.

10 Q. It never happens that an agent in Botwood
11 or St. John's or anywhere gets in touch with you by
12 telephone to ask you to meet a ship coming in?

13 A. Oh, yes. I could hardly get what you
14 meant there. Any agent in St. John's getting in touch
15 with agents at Botwood and the agents at Botwood, if
16 pilots are at the pilot station, they will notify them
17 through the N.F.A. or C.N.T. - Canadian National Telegraphs -
18 and if the pilot at Botwood, they will notify him that
19 we are.

20 Q. And am I right in saying that ships
21 sometimes get in touch directly with the pilot station
22 at sea?

23 A. Sometimes.

24 Q. And who pilots the pilot boat?

25 A. The pilots.

26 Q. But you must have a man to take it back to
27 the station?

28 A. If the pilots are all gone yes, but in
29 case of one ship leaving Botwood, three - two pilots will
30 go out in the boat if it is in Botwood, which sometimes she



Pierce, dir.ex.
(Jacques)

1 is. Two men go in the boat and only one goes on the ship
2 and the boat is there to take him from the ship at the
3 pilot station.

4 Q. What about when the ship is coming in?

5 A. When coming in, three pilots are at Bot-
6 wood. When they get word the ship is arriving they will
7 all go to the pilot station and one will get on board the
8 ship and the other two stay on board the pilot boat.
9 If any other ships move, the two left can go back or stay
10 out there if within a few hours or couple of days a ship
11 is moving.

12 Q. Does it happen you stay two days?

13 A. Yes.

14 Q. How many times a year?

15 A. We might get two days there and one day off
16 or five or six days there and one day off or three days
17 off and one day there.

18 Q. You would stay as long as five or six days
19 on the station?

20 A. Yes, very often.

21 Q. I presume you must have living accommodation
22 there?

23 A. Yes.

24 Q. Do you always have two men handle the
25 pilot boat?

26 A. No, one.

27 Q. One man?

28 A. It is down to one. If there are two
29 pilots available these two are there but if there are
30 two working ships there is only one man left for that boat



1 so one man can handle it alone.

2 Q. Does it ever happen three pilots are busy
3 and someone else handles it?

4 A. Yes. And then we have to get the hired
5 man.

6 Q. Who hires him?

7 A. The pilots and the last couple of years
8 the Commission has been paying him, the Pilotage Commission.

9 Q. What sort of qualifications has he got?

10 A. He is just a local man for the water boat.
11 He is used to the water boats all his life and uses it
12 the same as he would use his own.

13 Q. When you go aboard a ship would you des-
14 cribe exactly what you do taking a ship in. How would you
15 proceed to take her in?

16 A. Take command of the ship. We give all
17 the orders there are to be given.

18 Q. To whom do you give orders?

19 A. To the helmsman.

20 Q. And what does the master do?

21 A. Goes off the bridge if he so wishes.

22 Q. I know that, but does he go off the
23 bridge?

24 A. Yes.

25 Q. Does it happen more often?

26 A. Yes - than he stays.

27 Q. Has it ever happened a master interfered
28 with your work?

29 A. Not to my knowledge, no.

30 Q. Do you do the docking of the vessels?



1 A. We do.

2 Q. Do you have a tug?

3 A. No.

4 Q. Do you do undocking of ships too?

5 A. Yes, sir.

6 Q. Do you have occasion to shift from one
7 berth to another?

8 A. Yes, quite often.

9 Q. And without a tug?

10 A. Yes.

11 Q. And in charge of the navigation of the
12 vessel?

13 A. Yes.

14 Q. And give orders directly to the crew?

15 Does it happen you have to anchor somewhere along the route
16 which you have indicated by the red line?

17 A. Sometimes. Very, very seldom.

18 Q. How often did it happen say last year?

19 A. Not at all. I don't think it happened
20 at all.

21 Q. The year before?

22 A. No, I don't think so the year before.

23 The times are so few and far between I don't remember.

24 Q. Have you any particular place where you
25 would anchor along the route?

26 A. There are very few places you could anchor.
27 You could anchor here.

28 Q. In Kite Cove, indicated by an anchor
29 line in red?

30 A. Once I was anchored here.



1 Q. Indicated on Chart 4596 by a red anchor.

2 A. And I have not, but there have been ships
3 anchored here.

4 Q. Indicated by a red anchor on Chart 4596.
5 And a third anchor indicated in the same chart.

6 A. I have and the others been anchored here.

7 Q. Fourth one indicated on the same chart.

8 A. And this one, sir.

9 Q. And another anchorage indicated on Chart
10 4595. How long does it take you to take a ship in?

11 A. Depends on the speed; from one hour and
12 forty-five minutes up to three hours. A few of them are
13 back to slow speed.

14 Q. But normally how long does it take?

15 A. Say two hours.

16 Q. That is to take a ship in from the out-
17 ward limit of your district right to Botwood?

18 A. Yes.

19 Q. And how long does it take from Botwood
20 to your station

21 A. If you went out and got a ship right
22 away or go out there and wait?

23 Q. Supposedly to get a ship right away.

24 Q. We could leave here in four hours go out
25 in the boat. After we are in the boat it will take four
26 hours and if the ship is alongside it means six hours you
27 would be gone. That is the least time.

28 Q. Least time is six hours round-trip. That
29 is for you to leave Botwood go and take a ship and come
30 back in the ship?



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir.ex.
(Jacques)

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1 A. Back in the ship, not the boat.

2 Q. Yes. And taking the ship out, how long does
3 it take you?

4 A. Around four hours if the ship is there
5 ready to go; if you don't have to wait for it, four hours
6 is the least time to go out and back.

7 Q. With another ship?

8 A. Yes.

9 Q. If you have to go back with the boat?

10 A. Six hours then.

11 Q. Approximate time with your ships is about
12 six hours?

13 A. Yes.

14 Q. Does it happen very often you have to go
15 out in a boat or does it happen more often you are at
16 the station waiting?

17 A. Now since we have all been living in Botwood,
18 yes. I'd say about equal.

19 Q. About equal. How many pilotage jobs would
20 you do say in the busiest week. Pilotage in or out?

21 A. Do you mean have we done or is it possible
22 to do?

23 Q. That you have done?

24 A. Oh that we have done, I could hardly
25 remember.

26 Q. What is your busiest month?

27 A. Busiest month is usually - that you can't
28 say. We could say the first two months that navigation
29 is open. It is open the first of May and have been up
30 to the 3rd of June before we have a ship come in here.



1 Q. What types of ship do you have here?

2 Tankers, cargo?

3 A. Cargo.

4 Q. And any tankers?

5 A. A few tankers.

6 Q. And what is the tonnage of the tankers
7 which call here?

8 A. They vary from the small ones to the
9 big ones.

10 Q. And what would the tonnages be?

11 A. From 3,000 gross tons up to about 17,000.

12 Q. Are they Canadian registry or foreign?

13 A. Foreign registry.

14 Q. Are you able to say what registry?

15 A. Some of them are foreign registry -
16 Norwegian, Greece, Panomanian.

17 Q. Irving Oil tankers?

18 A. Yes and Imperial Oil and Golden Eagle
19 employ Canadian tankers.

20 Q. And cargo ships, what tonnage are they?

21 A. They are the same. They are 2,000 tons
22 up to 16 or 17,000 tons.

23 Q. Do you get very many at 16 or 17 thousand
24 tons?

25 A. Quite a few.

26 COMMISSIONER SMITH: Gross or net tons?

27 THE WITNESS: Gross.

28 Q. Approximately how many last year?

29 A. And we had in the vicinity of 85. That is
30 85 altogether I should say. So one-third of those.



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir.ex.
(Jacques)

1 Q. Do you keep any record of the jobs you do?

2 A. We do.

3 Q. You haven't got them with you?

4 A. No.

5 Q. Would you make those available to Mr.

6 Antle to have a look at in Corner Brook?

7 A. Yes. All it shows is arrival and
8 departure of the ships.

9 Q. Does it have the name of the ship and
10 tonnage?

11 A. Not the tonnage.

12 Q. Just the name, time of arrival and depart-
13 ure. That would be a great help. That is for ships
14 that have been piloted?

15 A. Yes.

16 Q. Are those your own records?

17 A. Yes, for our own reference.

18 Q. Did that include the ships handled by the
19 two other pilots?

20 A. Yes everyone, that is right.

21 Q. How do you collect your money?

22 A. Through the Pilotage Commission.

23 Q. They do the collecting. They do the
24 billing?

25 A. That is right.

26 Q. When you go aboard a ship, do you have any
27 document or agreement signed by the master to say you
28 have piloted the ship?

29 A. Not for piloting, but for docking we do.

30 Q. Why not for piloting?



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir.ex.
(Jacques)

1 A. The reason why - we collect the docking
2 ourselves. The Pilot Commission don't collect the docking.

3 Q. Why is that?

4 A. That is best known to them.

5 Q. Has it always been like that? Since you
6 have been a pilot has it always been like that?

7 A. Since I have been a pilot, yes, it has
8 always been a separate bill.

9 Q. Are there any accidents happening to ships
10 in your district?

11 A. No.

12 Q. Do you recall of any accidents?

13 A. There has been a couple.

14 Q. What was the nature of those accidents?

15 A. Fog, they just hit the ground; not very
16 hard.

17 Q. In foggy weather?

18 A. Yes.

19 Q. Did these ships have pilots aboard?

20 A. Yes.

21 Q. How long were the ships grounded?

22 A. Oh, maybe not very long. A couple, I
23 think two or three altogether - one of them was not very
24 long and one I think was about a day, 12 or 14 hours,
25 and the other one I, myself, was involved in and pretty
26 sure during the night time right in the harbour.

27 Q. When did that happen?

28 A. 6th of December, 1938.

29 Q. 6th of December, 1938. Is that the last
30 known accident which has happened here?



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir.ex.
(Jacques)

1 A. I think that is about the first one since
2 I have been here.

3 Q. And give me the dates of the others?

4 A. I can not sir.

5 Q. You don't recall them?

6 A. I don't recall.

7 Q. Was it last year?

8 A. No. It is quite a number of years ago.

9 Q. Five years ago? Was it during the war or
10 after the war?

11 A. I believe it was during the wartime.

12 Q. Was that a grounding?

13 A. A grounding, yes.

14 Q. Was there much damage done to the best
15 of your recollection?

16 A. Not too much I don't think.

17 Q. What about in December, 1938, much
18 damage done?

19 A. No damage at all.

20 Q. You said your ship dragged?

21 A. Dragged the anchor.

22 Q. Why?

23 A. Blowing quite a breeze.

24 Q. And one anchor down?

25 A. Yes.

26 Q. Why not two?

27 A. When we went to bed, didn't think we
28 needed it and supposed to be officers on watch but when
29 they came and called me...

30 Q. You were aboard the ship?



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir.ex.
(Jacques)

1 A. Yes. We came in and anchored after dark
2 and put down the anchor.

3 Q. What is the nature of the bottom of the
4 harbour?

5 A. Soft mud.

6 Q. How much cable out?

7 A. Four shackles.

8 Q. And what size of ship?

9 A. I think about 3,500.00 tons, gross. Some-
10 where around there.

11 Q. And the other accident happened after
12 that, after this one?

13 A. Yes.

14 Q. And you are not in a position to tell
15 us the dates?

16 A. No. I can't remember the dates at all.

17 Q. But it was quite some time ago?

18 A. As I say, I remember one during the war-
19 time.

20 Q. And they were groundings, were they not?

21 A. Yes.

22 Q. And due to fog?

23 A. Due to fog. It is all due to fog.

24 Q. Do you know the qualifications of the
25 other two pilots?

26 A. Same as myself.

27 Q. Same as yourself. And temporary masters
28 ticket, tug or passenger?

29 A. Passenger.

30 Q. Temporary masters passenger ticket?



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir. ex.
(Jacques)

1 A. I think so.

2 Q. Perhaps Mr. Antle can give us that. Do
3 you use the echo sounder in your work?

4 A. Yes..

5 Q. In the ships?

6 A. Yes.

7 Q. Do you use it frequently?

8 A. No, not too often. Excuse me, do I use
9 it myself or the ship's officers use it?

10 Q. Would you want it on?

11 A. Very seldom. Once or twice I have had it
12 on to find out what the bottom was like.

13 Q. Not because you needed it?

14 A. Once I did. We anchored with it once
15 in a snow storm.

16 Q. Would you explain to the Commission how
17 the revenues are shared among the pilots?

18 A. We pool the earnings.

19 Q. And who does the pooling?

20 A. The Pilotage Commission.

21 Q. THE CHAIRMAN: Both for navigational
22 and for docking?

23 THE WITNESS: Not for docking, no, but
24 we pool it just the same.

25 Q. Would you explain how it works? You have
26 two sources of revenue; one from Pilotage Commission for
27 taking ships in and out and one from the ship for shift-
28 ing ships or docking?

29 A. Yes. \$20.00 a ship for docking and un-
30 docking.



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Pierce, dir.ex.
(Jacques)

1 Q. No charge for undocking?

2 A. If shifting from one dock to the other
3 it is \$20.00.

4 Q. And this is yours?

5 A. It is ours.

6 Q. The pilots?

7 A. That is right.

8 Q. And the Commission collects money for
9 pilotage inward and outward?

10 A. That's right.

11 Q. And the Commission shares it for you, does
12 it not?

13 A. Yes.

14 Q. And are you paid by the month or the
15 week?

16 A. Two weeks.

17 Q. Every two weeks they share whatever money
18 they have?

19 A. If ships are in at the time.

20 Q. And \$20.00 each you collect for docking;
21 how do you share it with the others?

22 A. Sometimes two weeks, usually every month.
23 After we got 8, 5, 10 or whatever dockings we -- maybe
24 I got 6 and the other fellow 4 or the other way around;
25 we put it together.

26 Q. Divided it among the three. Is it always
27 divided equally?

28 A. That is right.

29 Q. Is that the only other remuneration you
30 receive for your services?



Pierce, dir.ex.
(Jacques)

1 A. Pilot service, yes.

2 Q. Definitely?

3 A. Yes.

4 Q. Is there a boat charge for the use of the
5 pilot boat?

6 A. No.

7 Q. That is deducted from the gross revenue
8 of the district?

9 A. I don't know where it comes from.

10 COMMISSIONER SMITH: If your lordship
11 pleases, I would like to ask the witness a few questions.

12 I have a financial statement before me but I
13 understand there has been some reduction in pilot's
14 earnings in the last three years; is that correct?

15 THE WITNESS: What do you mean, sir?

16 COMMISSIONER SMITH: I have it here now
17 the revenue in - this year - last year, the revenue
18 according to this statement is \$10,767.00 pilotage rev-
19 enue. Total revenue \$14,143.42. Last year according
20 to this statement revenue fifteen and the year before that
21 was seventeen. Am I reading the right figures?

22 THE WITNESS: I couldn't say, sir.

23 COMMISSIONER SMITH: Those are the ones
24 I have on the paper. However, it appears from this state-
25 ment there has been a reduction.

26 THE WITNESS: In pilots' earnings?

27 COMMISSIONER SMITH: Yes. Is that right?

28 THE WITNESS: No, I don't think so.

29 COMMISSIONER SMITH: What statement have I
30 got here?



1 THE WITNESS: Not in Botwood.

2 THE CHAIRMAN: We will have the Secretary
3 on that.

4 MR. JACQUES: Yes, sir.

5 COMMISSIONER SMITH: Maybe there is some
6 confusion in the figures and maybe in our interpretation
7 of them as well.

8 First of all there is a big industry here?

9 THE WITNESS: Yes sir.

10 COMMISSIONER SMITH: One very large one
11 and what is the name of it?

12 THE WITNESS: Anglo-Newfoundland Develop-
13 ment Company.

14 COMMISSIONER SMITH: That is the biggest.
15 Is that the one that sometimes calls for the federal
16 ice breaker?

17 A. Yes, sir.

18 COMMISSIONER SMITH: And apart from the
19 company calling for the federal ice breaker I suppose
20 the Pilotage Authority here calls occasionally, do they?

21 THE WITNESS: I think they will notify
22 the Anglo-Newfoundland Development Company.

23 COMMISSIONER SMITH: It goes through them?

24 THE WITNESS: It goes through them.

25 COMMISSIONER SMITH: And that service is
26 free service. There is no charge for it, is there?

27 THE WITNESS: Not to my knowledge, sir.
28 That is something I couldn't answer.

29 COMMISSIONER SMITH: There is no charge
30 to the pilots?



1 THE WITNESS: No charge to the pilots.

2 COMMISSIONER SMITH: Now Captain, As I
3 understand it it is a compulsory pilotage district in
4 the sense they can either pay the dues or take a pilot
5 and pay?

6 THE WITNESS: It is compulsory yes, sir.

7 COMMISSIONER SMITH: And maybe Mr. Jacques
8 covered this. I am not sure whether he did or not. The
9 percentage of ships that come in without a pilot, paying
10 dues but come without a pilot and those that pay and come
11 in with a pilot, could you break that down into percent-
12 ages?

13 THE WITNESS: It is very, very few comes
14 without a pilot.

15 COMMISSIONER SMITH: Very few?

16 THE WITNESS: Maybe one or two. Some
17 seasons none at all. We meet them all but sometimes just
18 in case if three pilots are busy and there is a ship
19 coming before we have time to get out that is why she
20 would come in without a pilot.

21 As I said just now, it takes four hours to get
22 out there.

23 COMMISSIONER SMITH: Captain, I suppose
24 a lot of these ships make frequent calls here?

25 THE WITNESS: They are, yes. Long-time
26 charter boats, coming back all the time.

27 COMMISSIONER SMITH: And call many times
28 in a season perhaps?

29 THE WITNESS: They do.

30 COMMISSIONER SMITH: Notwithstanding that



1 and the masters of those ships are more or less familiar
2 with the harbour, they take pilots?

3 THE WITNESS: They take pilots, yes, all
4 of them.

5 COMMISSIONER SMITH: You say almost all
6 of them?

7 THE WITNESS: All take pilots except, as
8 I said, just in case where we can't get there which might
9 happen once in a season or twice in some seasons.

10 BY MR. JACQUES:

11 Q. Do you know where these ships come from?

12 A. Do I know where they come from?

13 Q. Yes, from all ports, let's take tankers
14 for example. Do they come direct from Saint John, New
15 Brunswick?

16 A. Small ones from Saint John and some from
17 St. John's, Newfoundland, and large one from Oregon.

18 Q. Do you know if they stop anywhere along
19 the coast before calling at Botwood?

20 A. Sometimes. Very seldom. Usually come
21 with a full load.

22 Q. In your work does it happen very often
23 you pass or meet other ships?

24 A. Yes.

25 Q. It does happen?

26 A. Yes.

27 Q. Is there any danger in doing so?

28 A. No. It is a wide channel and have lots
29 of room to pass.

30 Q. No problem in that respect?



1 A. No problem in that respect at all.

2 Q. Is there a pension fund here for pilots?

3 A. No, sir.

4 Q. Is there any other kind of welfare plan?

5 A. No, except I think there is a disability--
6 I should say I don't know.

7 Q. Do you know if you come under Workmen's
8 Compensation?

9 A. I don't know.

10 Q. Do you know if you benefit from Unemploy-
11 ment Insurance?

12 A. No, we don't, not Unemployment Insurance.

13 Q. You do sir. I don't know if it applies
14 to you but there is Unemployment Insurance?

15 A. Not for pilots in this district.

16 Q. And no pension fund?

17 A. No pension fund.

18 Q. Do you know if the Local Authority has
19 adopted any rule concerning your conduct; any regulations
20 stating they must not drink before going on board, et
21 cetera?

22 A. That is from our Pilotage Commission, rules
23 to that effect.

24 Q. To the best of your knowledge has this
25 rule ever been transgressed?

26 A. Not as far as I am concerned.

27 Q. Not as far as you are concerned?

28 A. Anyone else I can't answer for.

29 Q. Who decides who is going to board a certain
30 ship?



1 A. We usually take our turn around. I go one
2 time and another one goes and the other one again.

3 Q. Have you ever been approached by companies
4 you personally - or any other pilot to be registered to
5 their own ships to say if there ship came in you would be
6 their special pilot?

7 A. No, sir.

8 Q. This remuneration you receive for docking
9 ships, is it for handling of mooring lines?

10 A. No. They bring ships alongside the dock.

11 Q. And nothing to do with handling of mooring
12 lines?

13 A. No. When we enter the harbour as far as
14 the pilot is concerned that is the end of the voyage and
15 the docking is an agreement between pilot and captain, if
16 he wished to do it himself and save his \$20.00 he can do
17 it.

18 Q. Does it happen he does it?

19 A. There are a few of the boats from the Great
20 Lakes they don't pay any and neither does Canadian tankers
21 for Golden Eagle, they don't pay dockage any more.

22 Q. But they take a pilot?

23 A. Yes but do their own docking.

24 Q. And the \$20.00 fee you said applied when
25 you enter the harbour?

26 A. No, for docking the ship along the dock.
27 The voyage is ended...

28 Q. At the harbour limit?

29 A. Yes. Not at Sandy Point; what we call
30 the harbour limit is outside the dock.



1 Q. Just off the dock?

2 A. Yes.

3 Q. So it is not the harbour limited shown on
4 Chart 4597?

5 A. No.

6 Q. Thank you, sir.

7 MR. JACQUES: Are there any other pilots
8 here?

9

10 G. LEDREW, sworn

11 DIRECT EXAMINATION BY MR. JACQUES:

12 Q. What is your full name, sir?

13 A. G. Ledrew.

14 Q. And how old are you?

15 A. 58.

16 Q. 58. Are you a pilot here in Botwood?

17 A. That's right.

18 Q. How long have you been a pilot?

19 A. Eighteen years.

20 Q. Eighteen years? Apart from piloting ships
21 have you any other sea experience?

22 A. Fishing up Labrador.

23 Q. For how many years?

24 A. Twenty-four years.

25 Q. When did that take place?

26 A. That took place in 1920 to 1942.

27 Q. 1942. And what was the size of these
28 fishing vessels?

29 A. Sixty tons.

30 Q. Do you hold any certificate of competence?



1 A. Nothing whatever.

2 Q. And how did you learn about the handling
3 of ships and navigating of ships?

4 A. From experience with sail and all that.

5 Q. When you became a pilot here in Botwood
6 did you serve any apprenticeship to become familiar with
7 the handling of steam ships?

8 A. No.

9 Q. Just went aboard?

10 A. Yes.

11 Q. Did you have any difficulty handling large
12 steamships?

13 A. None at all.

14 Q. Did you ever have any accidents docking and
15 undocking?

16 A. I had an accident, ran a ship aground in
17 dense fog.

18 Q. In docking?

19 A. No, nothing whatever.

20 Q. Do you have difficulties in docking and
21 undocking?

22 A. No, not much.

23 Q. Not much. You have heard the evidence
24 given by Mr. Pierce as regards district and lights and
25 shoals and currents; do you agree with what he said?

26 A. I do.

27 MR. JACQUES: Thank you sir.

28 Any further questions.

29 THE CHAIRMAN: No.

30



Foot,, dir.ex.
(Jacques)

1 GEORGE FOOT, sworn

2 DIRECT EXAMINATION BY MR. JACQUES:

3 Q. What is your full name, sir?

4 A. George Foot.

5 Q. And how old are you?

6 A. 56.

7 Q. How long have you been a pilot here in
8 Botwood?

9 A. Twenty-two years.

10 Q. Have you had previous sea experience?

11 A. No, I didn't have, not very much, just
12 locally.

13 Q. On what type of ships?

14 A. Mostly small boats, that is all. A little
15 local knowledge of the waters here.

16 Q. And what did these small boats do?

17 A. Fishing mostly.

18 Q. Fishing. Did these ever carry any cargo?

19 A. Not much.

20 Q. That happened in the local area?

21 A. Yes.

22 Q. And when you became a pilot did you
23 serve any apprenticeship?

24 A. No, none whatever, just made trips - one
25 or two trips with one of the other pilots to get a little
26 idea about handling the ship.

27 Q. And in your job as a pilot do you handle
28 large steamships like the one alongside the dock?

29 A. I handled that one.

30 Q. Have you ever had any experience docking



1 and undocking ships?

2 A. I did once or twice.

3 Q. In docking ships?

4 A. Yes.

5 Q. What sort of accident?

6 A. A little more current than we thought and
7 hit the dock, that is all.

8 Q. Was it windy?

9 A. No, not too windy.

10 Q. Was the wind blowing on or off the dock?

11 A. The wind I am referring to the wind didn't
12 make much difference because she was a large tanker and
13 loaded and the wind wouldn't make much difference.

14 Q. Was there much damage done to the dock or
15 the ship?

16 A. I don't know what it was. It was quite a
17 bit.

18 Q. Was there a great big hole in the ship?

19 A. Nothing in the ship.

20 Q. On the dock?

21 A. Yes.

22 Q. You said you had one or two accidents?

23 A. Once before the bow touched the crane.

24 Q. One time. How did that happen?

25 A. A lot of current, heavy current in the
26 spring of the year.

27 Q. Was the weather clear?

28 A. Weather was clear.

29 Q. Was there much damage done to the ground
30 or the ship?



1 A. No not too much of anything, none to the
2 ship.

3 Q. Are the two accidents - they only happened
4 docking and undocking?

5 A. That is all I can recall.

6 Q. And you have heard the evidence given
7 by Mr. Pierce concerning the channel and buoys, shoals
8 and currents; do you agree with it?

9 A. Yes, it is all correct.

10 THE CHAIRMAN: What about the light he
11 wants changed from one side of the Narrow to the other
12 side.

13 THE WITNESS: I think it would be all
14 right. One thing I would like a buoy off the point,
15 Peters Point, Mill Point.

16 MR. JACQUES: 4524, Mill Point. You
17 would like a buoy there?

18 THE WITNESS: We have to keep very close
19 coming into the docks and we would have something to guide
20 us better.

21 MR. JACQUES: Would you like to add anything
22 or explain more?

23 THE WITNESS: No.

24 THE CHAIRMAN: You already have a light
25 but you would like to have a buoy outside where?

26 THE WITNESS: Right off - where deep
27 enough for a ship to come along without grounding.

28 MR. JACQUES: Would you indicate it?
29 Indicated by a red circle for Mill Point.

30 THE WITNESS: It is 17 fathoms there.



1 COMMISSIONER RENWICK: You have asked the
2 witness, Foot, about moving this light on, what is it,
3 Sandy Point.

4 MR. JACQUES: Yes, to Philips Head.

5 COMMISSIONER RENWICK: Would the idea be
6 to leave that vacant or should there be a light of some
7 kind there or leave it unmarked?

8 THE WITNESS: I think there should be a
9 mark there.

10 MR. JACQUES: A mark or beakon even if
11 the light is moved?

12 THE WITNESS: Yes, I think so.

13 MR. JACQUES: Somethinge to indicate the spit
14 on Lower Sandy Island?

15 THE WITNESS: Yes. You would see it earlier
16 than you would in the dark. There should be a beakon
17 but I think the light would be all right on Philips Head.

18 COMMISSIONER SMITH: I would like to ask
19 the witness one question. These two accidents you have
20 described to Mr. Jacques did they happen early or later in
21 your 22 years piloting here?

22 A. I couldn't tell you just what time, but
23 would say ten years ago.

24 COMMISSIONER SMITH: The last one ten
25 years ago?

26 THE WITNESS: Yes, I imagine it is. I
27 am not sure of the date.

28 COMMISSIONER SMITH: I don't want the date,
29 just a general idea. You answered it, thank you.

30 MR. JACQUES: Now, my lord, since we are



1 in Botwood, I would like to file the brief presented by
2 the Botwood Pilotage Commission as Exhibit 267 and also
3 to file P.C. 1954-720 which is the by-law applicable to
4 the district under No. 268.

5 -

6 ---EXHIBIT NO. 267: Brief presented by the Botwood
7 Pilotage Commission

8 ---EXHIBIT NO. 268. P.C. 1954-720 which is by-law
9 applicable to the district.

10 Mr. Newman, since you will not be in Corner
11 Brook, would you like to address the Commission and make
12 any comment at all to the Commission as regards the
13 pilotage?

14 EDGAR PEARCE NEWMAN, sworn

15 My lord, there is nothing I can say. We had our
16 meeting and our Secretary-treasurer drew up the brief
17 and think everything was taken care of there as far as
18 pilotage is concerned. I don't know anything about the
19 harbour master.

20 MR. JACQUES: You are also the harbour
21 master?

22 THE WITNESS: There is one item there and
23 I don't know if Mr. Antle mentioned it, whether the
24 chairman or their member, Mr. Butt, there is no remuner-
25 ation given whatsoever for being on the Pilotage
26 Commission.

27 MR. JACQUES: As harbour master do you
28 keep statistics on ships calling at Botwood?

29 THE WITNESS: I do keep some of the
30 different ships - arrival and names of the ships.



1 MR. JACQUES: Do you keep the tonnage of
2 the ships?

3 THE WITNESS: Yes.

4 MR. JACQUES: Does that include all ships?

5 THE WITNESS: All ships including coastal
6 schooners.

7 MR. JACQUES: I wonder if you would make
8 available to the Commission your list of ships which
9 have called at Botwood last year?

10 THE WITNESS: I can only give the ones
11 due for payment.

12 MR. JACQUES: For payment of harbour dues?

13 THE WITNESS: I have that.

14 MR. JACQUES: And what sort of ships are
15 those?

16 THE WITNESS: Ships coming from any part
17 of the world or any part of Newfoundland.

18 They must pay twice a year according to the
19 Canada Shipping Act. Coming from across the ocean 5¢
20 per net ton and from South America or any other British
21 possession 3¢ and I keep my books and have a trust account
22 in the Bank of Montreal.

23 MR. JACQUES: Send us that list, please.

24 THE WITNESS: I have my books in the car
25 if you wish to look at it.

26 MR. JACQUES: We have to tabulate those
27 and so on.

28 THE CHAIRMAN: Would you have a look
29 through his book and establish with him what you want?

30 MR. JACQUES: Yes, sir.



My lord, this concludes the hearing.

---Whereupon the hearing adjourned at 4:25 P.M.



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Corner Brook, Newfoundland
Monday, May 6th, 1963.

1 ---ON COMMENCING AT 2:00 P.M.:

2
3 MR. JACQUES: My lord, before bringing any
4 witnesses, I should like to file the by-law of the
5 Pilotage Commissioners for Humber Arm dated 9th September,
6 1953. This is the by-law which has been declared ultra
7 vires in the judgment between Dyke and the Harbour
8 Commissioners sometime ago.

9 COMMISSIONER SMITH: Mr. Jacques, before you
10 proceed, in my brief it says there is a copy of that
11 judgment attached, but I couldn't find it, and I would
12 like to see it.

13 THE CHAIRMAN: I have an extra copy.

14
15 ---EXHIBIT NO. 269: By-law of the Pilotage Commission
16 of Humber Arm.

17
18 MR. JACQUES: Mr. Dawe, please.

19
20 ARNOLD HECTOR WARREN DAWE, Sworn

21
22 DIRECT EXAMINATION BY MR. JACQUES:

23 Q. Would you state your full name, sir,
24 please?

25 A. Arnold Hector Warren Dawe.

26 Q. And what is your occupation?

27 A. I am a shipping clerk with Howaters.

28 Q. And what is your age?

29 A. 53.

30 Q. I understand that you are secretary for



1 the Pilotage Commissioners for Humber Arm?

2 A. I am.

3 Q. Is that correct?

4 A. Yes.

5 Q. How long have you occupied that position,
6 that post?

7 A. Since March, 1952.

8 Q. And I also understand that you are also
9 a member of the Commission?

10 A. I am.

11 Q. Now, sir, would you briefly describe
12 the administration of the district here, in general
13 terms only?

14 A. In general terms, we have a Commission
15 set up of three Commissioners: Fred B. Hawkins, who
16 was subsequently appointed chairman, Alec M. Dunphy
17 was appointed vice-chairman, and I was appointed
18 secretary-treasurer.

19 Q. And these three men administer --

20 A. These three men administer the functions
21 of the Pilotage Committee or Pilotage Board, pilotage
22 operations.

23 Q. And do you keep an establishment book
24 stating the names and ages and dates of the issue of
25 licences for pilots?

26 A. Yes, we do.

27 Q. Have you brought such book with you?

28 A. (Witness produces book.)

29 Q. And what information do you keep in that
30 book?



1 A. The date of birth of each of the pilots,
2 the description of their physique, date of engagements,
3 date of original licence, and the endorsements and
4 renewals.

5 Q. Of licences?

6 A. Of licences.

7 Q. Would you in that same book keep track
8 of any of the accidents which have happened to pilots?

9 A. No.

10 Q. And this is the only information which
11 is contained in that book?

12 A. That is all.

13 Q. Apart from that book, do you keep any
14 account books of any kind?

15 A. Yes.

16 Q. Would you briefly describe them, please?

17 A. Well, we keep account of all the revenue
18 and an account of all expenditures, and we close our
19 books as at the 31st of December each year, and we make
20 a financial statement.

21 Q. Do you keep separate books for revenue
22 and expenditures?

23 A. We do.

24 Q. Have you brought these books with you?

25 A. I haven't got the detailed accounts.
26 I have the financial statement.

27 Q. If you haven't brought the books with you,
28 would you explain to the Commission what information can
29 be gathered from these books?

30 A. As to revenue, each ship is listed, the



1 amount of pilotage inwards, the amount outwards, as well
2 as the net registered tonnage on which the tariff is
3 based, and the amount for shifting a ship, the amount
4 charged for boat hire in and out or for disembarking or
5 embarking a pilot; and then it is subsequently listed
6 under the heading of the agents or the shipowners to
7 whom we send invoices for payment of dues.

8 Q. Would you have the date on which the
9 pilotage or the shifting was done for any particular ship?

10 A. Yes, we keep, not the actual date of the
11 pilotage but an invoice showing the tonnage and the amount
12 inward and the amount outward, the date on which the
13 ship came in and when she went out.

14 Q. On that invoice?

15 A. But we don't even record the date of
16 shifting.

17 Q. But in the revenue book do you keep track
18 of the dates on which the ships came in?

19 A. Yes, we do.

20 Q. In that revenue book?

21 A. No. I list the date on which the invoice
22 is dated, which is usually the date of sailing. But I
23 keep a copy of the invoice and on the invoice we have the
24 date of the ship's arrival and date of sailing.

25 Q. Where do you obtain this information.
26 as to date of arrival and date of sailing?

27 A. I usually get it from the pilots, except
28 ships coming from Bowaters, where I work, and I keep track
29 of that myself.

30 Q. Who gives you the net tonnage of the ship?



1 A. I confirm it by the register, the ship's
2 register.

3 Q. Which register?

4 A. The ship's register.

5 Q. Do I take it, then, that you inspect the
6 register of every ship that comes here?

7 A. No, I inspect the register of every ship
8 which comes into Bowaters, by virtue of the fact that
9 I work there; it is part of my job, for customs, and so
10 on. But the rest of the ships, the pilots determine
11 the net registered tons from the ships' masters, and when
12 they have an invoice outside of Bowaters, which is
13 brought to me, the tonnage is given, it is put on there
14 by the master.

15 Q. Do you check this information against,
16 say, Lloyds Register of Shipping?

17 A. Anytime that I am in doubt about any of
18 the boats, I check.

19 Q. Have you brought an example of these
20 invoices which you send to agents?

21 A. I am sorry, I haven't got one; I didn't
22 think I needed it.

23 THE CHAIRMAN: Could you file a copy later on?

24 MR. JACQUES: It may not be necessary, my lord.
25 Since I have seen the invoice, I think I have enough
26 information for the Commission.

27 Q. Would you describe the system of invoicing,
28 how many copies are made and that information is shown on
29 the invoice?

30 A. The date of the invoice, the ship's name,



1 the port she came from, the port to which she is going,
2 and the date of arrival, the date of departure, the net
3 registered tons, the dues for inward, the dues for
4 outward, and any shifting and boat hire.

5 Q. In how many copies is it made?

6 A. It is made in seven copies, plus one
7 pencilled copy which I keep for filing.

8 Q. To whom do you send these seven copies?

9 A. I send it to the agents or those people
10 who pay the dues.

11 Q. Do you retain a copy of the typed invoice?

12 A. No, I do not.

13 Q. Are these revenues, fees inward and out-
14 ward, shifting and boat fee, the only sources of revenue
15 for the district?

16 A. That is all.

17 Q. As regards your boat book, would you tell
18 the Commission what information is contained there?

19 A. I list every cheque that is written and
20 to whom it is made out, and I put it into the category
21 to which it applies. For instance, I have a column
22 there for wages paid to the pilots, and another major
23 one is boat repairs, operation, and so on. Well, it is
24 the distribution of the various sums, overhead, deduction
25 for income tax, and so on.

26 Q. Am I right in assuming that you have a book
27 in ledger form with various columns showing the various
28 expenses, also showing on the left-hand side the shift
29 and the date it is made?

30 A. Yes, the number of the cheque, to whom it



1 is made, and the total of the cheque and distribution of
2 it.

3 Q. Do you always pay by cheque?

4 A. Yes.

5 Q. You never pay in cash?

6 A. No.

7 Q. You mentioned that at the end of each year
8 you prepare a financial statement. Have you brought
9 these statements with you?

10 COMMISSIONER SMITH: Mr. Jacques, do you mind
11 an interruption?

12 MR. JACQUES: Not at all, sir.

13 COMMISSIONER SMITH: I think it might be
14 interesting and perhaps important to find out at the
15 start whether this is an organized port, in the sense
16 of having harbour master, wharfinger, or whether it is
17 some other kind of a port which is not an organized port
18 with an authority. It is my understanding it is not
19 an organized port with a harbour authority here, and I
20 would like to get an answer to that before we proceed
21 any further.

22 MR. JACQUES: That can be confirmed by the
23 witness, I believe, sir.

24 COMMISSIONER SMITH: Thank you very much.

25 Q. Have you heard the question which has
26 been asked by Mr. Smith?

27 A. Yes.

28 Q. Would you answer that question, please, to
29 the best of your knowledge?

30 A. To the best of my knowledge, prior to 1952



1 it was operated under a board, Harbour and Pilotage
2 Commission, and it was under the Consolidated Statutes
3 of 1916.

4 Q. These were Newfoundland statutes, were
5 they not?

6 A. They were.

7 Q. And since 1952?

8 A. Then it was afterward constituted under
9 some other by-laws, with some other Act taken in.

10 COMMISSIONER SMITH: I think, Mr. Jacques,
11 he is dealing with the question of pilotage district.

12 MR. JACQUES: No, sir.

13 THE WITNESS: No, sir. It was operated until
14 1952 under -- Mr. Jacques, would you have that memo-
15 randum of operation?

16 Number one, the authority was under chapter
17 179 of the Consolidated Statutes of Newfoundland, 1916,
18 entitled "of Outport Pilots and Pilotage." Number two,
19 chapter 17, 1930, entitled " of Outport Pilots and Pilot-
20 age." Act number 34 of 1934, entitled "an Act to provide
21 for the management and control of harbours." Act number
22 one of 1938 entitled "an Act to amend a law relating to
23 harbour boards." And Act number 24 of 1941, entitled
24 "an Act to amend Act number 34 of 1934, entitled "an Act
25 to provide for the management and control of harbours."

26 Now, in 1952, when the board contained new
27 members, Mr. Hawkins and myself, we tried to endeavour
28 to get a set of by-laws made up.

29 Q. For what?

30 A. For the Harbour and Pilotage Commission.



1 But we were advised by the Department of Transport that
2 any by-law we made up for the pilotage could not contain
3 anything for the harbour.

4 Q. Was that advice in writing or was it
5 given verbally?

6 A. I think it was given verbally. I can find
7 that. Yes, it was given in writing. Therefore we
8 dropped the harbour. This was because we had no funds
9 for harbour works; all revenue was derived from pilotage.
10 Therefore since 1952 or since we had that by-law approved
11 by Order in Council, we have been operating as solely
12 as Pilotage Commission.

13 Q. Who looks after harbour installations and
14 the management of the harbour in general?

15 A. There is no harbour master.

16 Q. No port warden?

17 A. There is no port warden, to my knowledge.

18 Q. Who would be the person concerned with the
19 harbour?

20 A. Unofficially, I suppose the Pilotage
21 Commission; and if they had any requests or anything that
22 would ask the Department of Transport for advice or
23 assistance.

24 Q. And to the best of your knowledge, no one
25 is looking after the harbour but the Pilotage Commission?

26 A. That is what I would say.

27 Q. There are no rules or regulations for the
28 harbour to your knowledge?

29 A. Not to my knowledge

30 Q. There is no harbour master?



1 A. No.

2 Q. There is no port manager?

3 A. No.

4 Q. There is no port warden?

5 A. No.

6 Q. Would you refer to your financial

7 statement for the year ending December 31 1962. This
8 is a document which I wish to file, together with various
9 other statements, so we may proceed to explain it now,
10 and file it later with the others.

11 It purports to be a financial statement for
12 the year ending December 31 1962. At the top is received
13 current revenue. Would you explain the various items
14 under that heading?

15 A. Accounts receivable, \$435.58, left over
16 from the previous year. I closed off the books before
17 that amount was collected for 1961 boats that have
18 arrived.

19 Q. Those were invoices that were sent in
20 1961, but not paid?

21 A. The money had not been paid.

22 Q. On the 31st of December?

23 A. Quite right, and I received that money
24 in 1962.

25 Q. Would you pass on to the next item please?

26 A. By pilotage inward and outward, \$29,361.31.
27 That is pilotage inward and outward.

28 Q. These would be the fees collected during
29 the year 1962, whether the pilotage had been done in 1962
30 or not?



1 A. Yes. You mean that if we had a boat
2 coming in at the end of December sometime, and if it
3 was not invoiced before January, yes, that is right.

4 Q. It would be that?

5 A. Yes.

6 Q. And the next item please?

7 A. Shifting ships, \$23,836.00.

8 Q. Would this again be money collected in
9 1962?

10 A. That was all collected in 1962.

11 Q. And the next item please?

12 A. Boat hire, Humber Pilot, \$4,840.00.

13 Q. And the next item please?

14 A. \$25.00 was for transportation to St.
15 George's Bay.

16 Q. Would you explain this entry please?

17 A. We had a request from the Atlantic Gypsum
18 Company, as well as from the owners of a ship, the name
19 of which I don't recall, to supply a pilot, or they asked
20 if we would assist the ship getting into the dock at
21 St. George's Bay.

22 MR. JACQUES: Could I have chart 4490 please?

23 Q. Are you able to indicate on Chart 4490,
24 Exhibit No. 237, where St. George's Bay is? Would you
25 mark it with a red circle please?

26 (The witness complies.)

27 A. This is St. George's Bay, and this is
28 St. George's, above it.

29 Q. Do you know the tonnage of that ship
30 which requested a pilot for St. George's Bay?



1 A. Offhand, no. No sir, I haven't got that.
2 You can get that from the pilots.

3 Q. Yes, I am sure the pilots will recall.
4 To the best of your knowledge, what was the
5 fee charged to that ship for this job, and on what basis
6 was it charged?

7 A. It was based on the tonnage of the ship,
8 and we hired a boat out there for \$20.00, \$10.00 for
9 embarking and disembarking, and we charged \$25.00 for
10 transportation of the pilot, who used his own car to get
11 out there.

12 Q. Was the fee for pilotage charged to the
13 ship on the same basis as the pilotage here in Corner
14 Brook?

15 A. Yes, the same basis exactly, and the ship
16 itself was notified, the shipowners were notified of our
17 charges before we agreed to bring the ship in.

18 Q. Are there many occurrences similar to this
19 one in your District?

20 A. That is the first to my knowledge.

21 Q. Are you familiar with St. George's Bay
22 and St. George?

23 A. Not the Bay itself, but I am familiar
24 with the settlement out there.

25 Q. Would you describe the settlement to the
26 Commission? What industries are found there, or anything
27 else of that sort?

28 A. Well, it is mostly a family community,
29 but their greatest industry is a gypsum mine, which is
30 some miles in, on what is called Flat Bay. The gypsum



1 is mined in there, and brought out to the pier by
2 overhead conveyors, or buckets.

3 Q. Is that a new installation?

4 A. Yes, the ship referred to was the first
5 one that ever came there to load.

6 Q. The first ship ever to go to St. George's
7 Bay to load gypsum?

8 A. To load gypsum, that was my understanding.

9 Q. In your opinion, do you think that this
10 event might occur again, and that you pilots might be
11 requested to take ships into St. George's Bay?

12 A. I couldn't say. Some other ships came
13 in there afterwards, but they didn't ask for our pilots.

14 Q. Now sir, if you would refer back again
15 to your statement, we come to the heading Unemployment
16 Insurance Stamp deductions?

17 A. Well, there is a deduction for cancellation
18 of fire insurance policy at the pilot station, which was
19 formerly occupied by the pilots at Frenchman's Cove, and
20 we have not been using that, and it has got into a
21 dilapidated state, and we cancelled the fire insurance
22 policy on it last year, and got a refund of \$674.00.

23 \$192.00 is a U.S. ship which came in last
24 year. It was paid in American funds, and we got a
25 premium of \$9.28 on the cheque.

26 Unemployment insurance stamps, boatmen, and
27 a now licensed pilot was formerly a pilot boatman, and
28 they came under unemployment insurance.

29 THE CHAIRMAN: Boatmen only?
30



1 THE WITNESS: Boatmen or the pilot boatmen.

2 THE CHAIRMAN: Yes, but not the pilots?

3 THE WITNESS: No, they were not eligible.

4 We tried to get them under the unemployment insurance,
5 but they were not acceptable.

6 THE CHAIRMAN: Do you know why?

7 THE WITNESS: I think they were not considered
8 as employees.

9 THE CHAIRMAN: If you know any reasons why they
10 were not considered as employees, I would like to know?

11 MR. JACQUES: They benefit from workmen's
12 compensation as employees, and the income tax is paid
13 as employees.

14 THE CHAIRMAN: That is why I would like to know
15 where is the difference? Why are they not considered
16 employees all the way through, or employers?

17 MR. JACQUES: We are fortunate in having Mr.
18 W.J. Smith, who is well versed in Newfoundland law, and
19 he might be able to shed some light on that.

20 MR. W.J. SMITH: It is my understanding that
21 the pilots are not deemed to be civil servants. There is
22 a master-employee relationship to a certain degree, but
23 that is a fact, they are not eligible, my lord. They are
24 regarded, I think my lord, as their own employees, rather
25 than employees of some other person.

26 THE CHAIRMAN: That is one of the questions we
27 are investigating, you know, because there are different
28 views, and those views are very different wherever we do.
29 For instance, for the Workmen's Compensation Board they
30 are considered as employees. I am afraid that one day



1 one of those pilots is going to be badly involved, and
2 they are going to just turn around and say "no, he is
3 not an employee, and he does not come under it at all",
4 and he is going to be left holding the bag.

5 MR. W.J. SMITH: A judgment which will be
6 referred to later on clearly says that they are their
7 own employees.

8 COMMISSIONER SMITH: Self-employed?

9 MR. W. J. SMITH: Yes, self-employed.

10 THE WITNESS: I have a letter from the
11 Unemployment Insurance Commission.

12 Q. What date?

13 A. August 13, 1959.

14 Q. What was the title of the person who
15 sent that letter?

16 A. G.A. Humber, Manager.

17 Q. And to whom was it sent?

18 A. It was sent to me, Board of Pilotage
19 Commissioners for Humber Arm, Corner Brook.

20 Q. Would you read it please?

21 THE CHAIRMAN: Is it local, or from Ottawa?

22 THE WITNESS: Local, Corner Brook.

23 "Further to our correspondence concerning
24 "the insurability of persons working with the
25 "Pilotage Commission, we have been advised
26 "that boat operators, since they were employed
27 "under a contract of service, were to be
28 "insurable. This does not include the pilots
29 "themselves."

30 "You were advised of this orally, and you



1 "were told that it would be given to you
2 "in writing."

3 Q. Thank you sir. Well, this would be the
4 decision concerning the pilots as regards Unemployment.

5 Would you refer again to your statement of
6 1962 please, and now we come to the heading "expenditures?"

7 A. Expenditures. Wages by salary, C. Johnson,
8 Pilot, \$5,650.00; J.J. Mallay, Pilot, \$5,650.00; Sid
9 Burry, Pilot Boatman, \$4,437.50; Ray Johnson, Boatman,
10 \$3,925.00; H.W. Dawe, Secretary-Treasurer, to remuneration,
11 \$1,875.55; total wages and remuneration, \$21,538.05.

12 Q. What is the basis for these wages, for
13 this remuneration? Who fixes it?

14 A. The wages are fixed at the, say at the
15 beginning of the year.

16 Q. By whom?

17 A. By the Board of Pilot Commissioners, and
18 the rate is more or less based on the previous year's
19 revenue, as well as a forecast of what is going to happen
20 in the ensuing year.

21 Q. And how and when is it paid?

22 A. It is paid fortnightly, every two weeks.

23 Q. And this is a fixed amount?

24 A. This is a fixed amount.

25 Q. Paid every two weeks?

26 A. Yes.

27 Q. By the Commission, to the pilots?

28 A. Yes. This applies to the two senior
29 pilots. The third pilot, because of curtailment of
30 shipping in the winter months, when the boat comes up he



1 is paid off until the opening again of navigation.

2 Q. What month would that be when the
3 boat comes up?

4 A. It varies between the middle of
5 January. It could be in March. It could be in April.

6 Q. When does navigation close?

7 A. I would say sometime in January. It
8 could be anytime in January.

9 Q. When does it open again?

10 A. It could open in March. It could open
11 in April. It has been known to be open one year all the
12 year.

13 Q. Would you briefly explain the other
14 expenses?

15 A. Secretary-Treasurer's remuneration is
16 based on this year, 5 per cent of the receipts.

17 Q. Who fixed that percentage for your
18 remuneration?

19 A. The Chairman of the Board and myself. It
20 is based on formerly that I started off with \$250.00 a
21 year, and it was increased gradually, as we thought the
22 expenses would permit, and this 5 per cent is based on,
23 which I know that we are not under Part 6 of The Canada
24 Shipping Act, but we were guided by a draft by-laws,
25 etc., which were presented to us for approval and sub-
26 mission to the Department.

27 Q. And this is where the figure 5 per cent
28 comes from?

29 A. That is right.

30 Q. Would you now pass on to the "Humber Pilot",



1 which is the pilot boat I believe?

2 A. That is correct. This figure of \$3,166.90
3 represents the total cost of operation of the boat, and
4 the lay up in winter months, and the necessary overhaul,
5 and any repairs.

6 Q. How would this figure compare with
7 previous years?

8 A. 1962, three, one ---

9 Q. I don't want the exact figure. I want
10 to know whether this is a normal figure, or whether this
11 is more or less than the previous years?

12 A. For the last four years it has been within
13 \$400.00, say, of that figure.

14 Q. How old is the pilot boat?

15 A. It was built in 1955.

16 Q. Would you now explain the item Survey of
17 land at Pilot Station?

18 A. We have a pilot station at Frenchman's
19 Cove, on the other side of Frenchman's Hill, and it has
20 been occupied by the pilots for some time before I had
21 anything to do with it. And I wrote to the Land Deeds
22 Office in St. John's asking if there was any record of
23 who owned the land and in whose name it was registered,
24 and there was none.

25 By virtue of the fact that the Pilotage
26 Commission had been using that for, I could say, 30 years,
27 we thought we would get a grant for it, and we asked for
28 a surveyor to go down and measure it.

29 Q. And have you obtained that grant?

30 A. No.



1 Q. What would be the approximate dimensions
2 of that piece of land?

3 A. It would be about 140 by 60.

4 Q. Would it be fronting on the sea?

5 A. It would be fronting into the sea, but
6 it would be well inside the high water mark.

7 Q. And to the best of your knowledge, who
8 built whatever facilities are available there?

9 A. I do not know.

10 Q. You do not know.

11 Would you now go on to the next item, please?

12 A. The next one is licences and permits.
13 One licence was to use our radio telephone, ship to shore;
14 \$5.00 was for a licence for Raymond Johnson to get his
15 master's permit which is required by the Canadian Steam-
16 ship Inspection.

17 Q. For the boat?

18 A. Yes; and \$2.00 was for his second
19 engineer's ticket.

20 Q. Is that ship certified to carry passengers,
21 the pilot boat?

22 A. She is registered for six passengers plus
23 two boatmen.

24 Q. How long has she been registered as such?

25 A. Since 1956.

26 Q. And prior to that?

27 A. She was built the year before.

28 Q. She wasn't registered in 1955?

29 A. Yes, she probably was. She was registered
30 in 1955. As soon as she was launched we made application



1 for registration.

2 Q. Would you move to the next item, purchase
3 of Unemployment Insurance stamps?

4 A. We are required to purchase Unemployment
5 Insurance stamps for our two men, the pilot boatman and
6 the boatman, and also a permit or a licence to buy those
7 stamps; and, according to law, as far as I know, the
8 employees are charged 50 per cent and the Commissioners
9 or the Board the other 50 per cent.

10 As you will see, we deducted from the two
11 men in question \$81.66, and we bought \$155.04 worth of
12 stamps, and that the balance just remained over for the
13 month of January.

14 Q. Would you explain Commissioners' expenses?

15 A. Commissioners' expenses, \$850.00 to the
16 Commissioners. That is the Chairman and the Vice-Chairman,
17 \$300.00 each, and I get \$250.00 out-of-pocket expenses.

18 Q. Who fixed these amounts?

19 A. They are fixed by the Commissioners.

20 Q. What expenses do they cover?

21 A. The Secretary-Treasurer, I do not deal
22 in cash, and I usually, whatever cash is spent, spend
23 it out of my own pocket. I use my car quite a bit; I
24 have gone to St. George's Bay on one occasion; I have some
25 gratuities in the year which are never shown in the books.

26 Once upon a time I had an office down at
27 Botwaters, but on account of changes there I had to turn
28 one of my own bedrooms into an office. I have never
29 charged any rent for it because I do not want to put it
30 into a commercial area.



1 Q. Before that you kept all the books and
2 the registers and files in your office where you worked?

3 A. Yes.

4 Q. And this has been moved out from that
5 place to your home?

6 A. To my home.

7 Q. And this is where you manage pilotage
8 affairs?

9 A. Yes.

10 Q. Is there any account kept or any break-
11 down or any vouchers kept for these expenses?

12 A. Not in my case, no.

13 Q. Not in your case. And in the case of
14 the other two Commissioners, would you say that there are?

15 A. No, not to my knowledge.

16 Q. Has anyone ever requested that such
17 vouchers be produced?

18 A. No.

19 Q. And to the best of your knowledge, how
20 long has this reimbursement of expenses been going on?

21 A. Since 1952.

22 Q. And since then has the amount reimbursed
23 to the Commissioners changed or has it remained the same?

24 A. At one time it was \$250.00, and now it
25 has gone up to \$300.00, by motion.

26 Q. When did it go up to \$300.00?

27 A. Two years ago.

28 Q. Now we come to Workmen's Compensation
29 premium. Would you explain that, please?
30



1 A. We had been trying to get our pilots
2 insured, and we had a system where the pilots were
3 insured individually. There were two at the time, and
4 a boatman, and the cause of the controversy was ex-pilot
5 Dyke, who objected to having money deducted for his
6 insurance, it was dropped and our pilots had no
7 protection. Our revenue was not sufficient to pay
8 high premiums and we could not get group insurance and
9 it had to be done individually, so we got them in
10 Workmen's Compensation.

11 Q. Have you a file on Workmen's Compensation?

12 A. Yes. When we took out this Workmen's
13 Compensation in 1953 the premiums were only \$160.00,
14 which would give them good protection.

15 Q. Premiums for what?

16 A. For Unemployment Insurance, now it has
17 increased to \$496.56.

18 COMMISSIONER RENWICK: I am sorry, I think
19 there is confusion between Workmen's Compensation and
20 Unemployment Insurance.

21 THE WITNESS: I am sorry, Workmen's Compensation.

22 Q. And at that time what was the amount for
23 Workmen's Compensation?

24 A. \$160.00 for two pilots and one boatman,
25 and this gradually increased up to \$496.56.

26 Q. Do you know the reason for this increase?

27 A. I think they fixed the rates every year,
28 based on the rates the previous year, with the Workmen's
29 Compensation Board. Also the Workmen's Compensation was
30 based on a maximum of \$3,000.00 a year, and in 1961, in



1 April, it was raised to \$4,000.00 per year, maximum.
2 So we do not pay premiums on the full earnings of the
3 workmen, or our staff; it is based on \$4,000.00 maximum,
4 if they make over \$4,000.00 each.

5 Q. Have you brought your file on Workmen's
6 Compensation with you?

7 A. I have.

8 Q. Would you be able to tell the Commission
9 from that file the actual rate you are paying for your
10 pilots?

11 A. I can base the rate, referring to accounts
12 for 1962.

13 Q. It doesn't show the rates?

14 A. The rate is this: We paid \$496.56 on
15 \$16,000.00.

16 Q. Perhaps I will explain. We were led to
17 believe in St. John's that the pilots paid a rate of
18 \$2.50 without a maximum on their salary, on the actual
19 salary which they earned or revenue.

20 A. Not Workmen's Compensation.

21 Q. In your case you say it is limited to
22 \$4,000.00, a maximum of \$4,000.00?

23 A. Yes. That is covered in the Act.

24 MR. JACQUES: Perhaps we will get the Act,
25 and I think it will be simpler than asking legal
26 questions of witness not trained in such matters.

27 Q. Now, in your file, sir, would you state
28 who is shown as employee and employer?

29 A. Name of employer, the Board of Harbour
30 and Pilotage Commissioners for Humber Arm, and the employees



1 are pilot Johnson, pilot Mallay, pilot Burry, boatman
2 R. Johnson.

3 Q. Who gave that list as employees?

4 A. I did.

5 Q. You did. Do you consider your pilot
6 as an employee for Workmen's Compensation?

7 A. Correct.

8 THE CHAIRMAN: Was there any difficulty with
9 the Workmen's Compensation Board for that, or did they
10 accept that?

11 THE WITNESS: We wrote and told them, my lord,
12 the particulars, and they came back and said they were
13 all right under the Workmen's Compensation, they were
14 acceptable under the Workmen's Compensation Act.

15 THE CHAIRMAN: Since when?

16 Q. Do you have these letters in your file?

17 A. I have a letter dated February the 6th,
18 1953.

19 Q. And that is sent by whom to whom?

20 A. Sent by me as Secretary-Treasurer of
21 the Board of Pilotage Commissioners for Humber Arm.
22 It was sent to The Workmen's Compensation Board, St.
23 John's, Newfoundland, and it reads:

24 "Will you please advise if pilots and
25 "pilotboatman are eligible to be covered
26 "by Workmen's Compensation, and if so what
27 "are the rates applicable to each of our
28 "pilotage staff, and the compensation in
29 "case of injury or death by accident, while
30 "on duty."



1 "Chief Pilot, Nathan Dyke, receives a
2 "salary of approximately \$4,000.00 per year
3 "and is employed 12 months each year."

4 "Second pilot, Charles Johnson, receives
5 "a salary of approximately \$3,750.00 per year
6 "and is also employed 12 months each year."

7 "Boatman Wilson Dyke receives approximately
8 "\$1,950.00 per year and is employed nine
9 "to ten months each year."

10 "The Board of Harbour and Pilotage
11 "Commissioners for Humber Arm has been
12 "approved by the Governor in Council, pursuant
13 "to the provisions of Chapter 179 of the
14 "Consolidated Statutes of Newfoundland 1916,
15 "being an Act in respect of Outport Pilots
16 "and Pilotage."

17 "An early reply from you would be apprec-
18 "iated."

19 Q. Do you have that reply in your file?

20 A. Yes.

21 Q. What date does it bear?

22 A. February the 12th, 1953.

23 Q. By whom is it signed?

24 A. It is signed by G. T. Brown, Assessment
25 Officer.

26 Q. From what place does it originate?

27 A. From St. John's, Newfoundland.

28 Q. Would you read the text of that letter,
29 please?

30 A. "The Board of Harbour and Pilotage



1 "Commissioners for Humber Arm, Corner Brook,
2 "Newfoundland. Attn: Mr. H. W. Dawe,
3 "Secretary-Treasurer."

4 "Dear Sir:

5 "We acknowledge receipt of your letter
6 "dated February 6th requesting information
7 "concerning coverage by this Board by your
8 "Pilots and Pilot Boatmen for Workmen's
9 "Compensation as outlined in the Workmen's
10 "Compensation Act, 1950."

11 "Although the operation of boats and
12 "vessels are not within the automatic scope
13 "of the Workmen's Compensation Act, we do
14 "accept application for the coverage of
15 "crew members of vessels which do not operate
16 "to ports or places outside of Newfoundland."

17 "If your Pilots do not call in at
18 "any ports outside of Newfoundland but are
19 "picked up and dropped at Newfoundland ports,
20 "then it seems to me that coverage could be
21 "extended to you to cover them in this
22 "classification. In any case your Boatman
23 "could be covered under this classification,
24 "since we take it he would not be calling to
25 "any ports outside of Newfoundland."

26 "I enclose our form 240C to be completed
27 "by you if you wish to have your Pilots and
28 "Boatman covered with us. If you would please
29 "write an accompanying letter with the
30 "application form, I would then pass the



1 "application to the Board for their consider-
2 "ation."

3 "The rate of coverage under the class-
4 "ification mentioned above was \$3.50 per
5 "one hundred in 1952. The rate for 1953 has
6 "not yet been set."

7 "We enclose literature relative to the
8 "Workmen's Compensation Act for your inform-
9 "ation."

10 Q. Thank you. And I take it an application
11 was filed and it was approved?

12 A. It was.

13 Q. Now, sir, coming back to your statement--

14 COMMISSIONER SMITH: Mr. Jacques, are you
15 leaving the Workmen's Compensation?

16 MR. JACQUES: Yes, sir.

17 COMMISSIONER SMITH: I haven't got it here,
18 but it seems to me that in St. John's I had something
19 put in front of me with regard to the Workmen's Compens-
20 ation statute, and my recollection is that the statute
21 covered a long list of occupations, and then there was
22 another Section giving the Board powers to include
23 whatever occupations they thought in their discussion
24 were advisable.

25 MR. W.J. SMITH: I may say that there have
26 been occasions when they have been covered by Workmen's
27 Compensation when a claim has been made and the Board
28 has seen fit to exclude the particular coverage.
29 They have discretionary power, and they say categorically
30 yes, but in other cases they may say no.



1 THE CHAIRMAN: That is what we would like in
2 this case, we would like to have it studied in Ottawa.

3 MR. W.J. SMITH: The situation is very fluid
4 as far as this port is concerned.

5 MR. JACQUES: The Act applicable now is an
6 Act to consolidate the law relating to compensation to
7 workmen for injuries suffered during the course of their
8 employment, being No. 32 of the 1962 Statutes of New-
9 foundland.

10 This Act repealed the Workmen's Compensation
11 Act, No. 253 of the Revised Statutes of Newfoundland for
12 1952, and in this Act, No. 32, a workman is defined as
13 follows: " 'workman' means a person who has entered into,
14 "or works under a contract of service or
15 "apprenticeship, written or oral, express
16 "or implicit, whether by way of manual labour
17 "or otherwise, and includes a person who is
18 "a learner, although not under a contract of
19 "service or apprenticeship, who becomes sub-
20 "ject to the hazards of an industry within the
21 "scope of Part I for the purpose of undergoing
22 "training or probationary work specified
23 "or stipulated by the employer as a preliminary
24 "to employment".

25 THE CHAIRMAN: That is all right. You may
26 carry on now.

27 Q. Now sir, coming back to your statement
28 of 1962, we note that you paid an auditor's fee of
29 \$100.00. Would that be to prepare and check your
30 financial statements for the year?



1 A. That is to check the financial -- I
2 make up the financial statement, and I pass it over to
3 the auditor with all the books, all receipts, all invoices.

4 Q. Then he checks them?

5 A. He checks it. That was once required,
6 or we understood it was, by the Department of Transport,
7 to whom we always sent a copy of the financial report,
8 duly audited by an auditor.

9 Q. Now, would you explain the item pilots'
10 uniforms?

11 A. Well, we have been in the habit of
12 supplying the pilots with a uniform each. That is limited
13 to a minimum of a uniform each for eighteen months, and
14 a blue raglan goes with it. A cap is not supplied.
15 They find their own caps.

16 Q. And how long has this been going on?

17 A. Before we came into authority.

18 Q. Would you explain what is included in
19 the item secretarial supplies?

20 A. Stationery, which we buy from the
21 Western Printing and Publishing Company, and one
22 stationery cabinet, or filing cabinet, which I had up
23 in my house. I have two there. One I bought and
24 the Board approved the buying of this one, the purchase
25 of this one.

26 Q. Have you any expenditures for telephone,
27 stamps, and telegrams?

28 A. No, all the stamps, all postage, as I
29 say, I pay for it. I don't deal in cash. The first year
30 I had a cash account, and it was not very easy to straighten



1 up at the end of the year.

2 Q. Where would your telephone fee be
3 entered in these expenses?

4 A. There is no telephone.

5 Q. Don't you have a telephone?

6 A. Well, each of the pilots have one.

7 Q. And you have one?

8 A. I have one at home, and the Chairman
9 has one, and the Vice-Chairman has one.

10 Q. And these are all private telephones?

11 A. Yes.

12 Q. There is no telephone listed in the name
13 of the Pilotage Commission, for instance?

14 A. No.

15 Q. And the Commission does not pay the
16 expenses?

17 A. No.

18 Q. There is no share in that at all?

19 A. No.

20 Q. Distribution of surplus. Would you
21 explain how you distribute your surplus, and on what
22 basis you arrive at the figures so stated?

23 A. Some time before the 25th of December
24 in each year we get together, and we determine just
25 how much our surplus is going to be, within a reasonable
26 figure, having in mind that there may be a few boats
27 cancelled, or there may be a few within the remaining.
28 period of the year, and we work out the expenditure,
29 or the income over expenditure, and we divide it between
30 the pilots and the boatman.



1 Q. How do you divide it? How have you
2 arrived at a figure of \$1,200.00 for three pilots, and
3 \$800.00 for the boatman?

4 A. Well, as I say, it is just based on the
5 amount. Now, we try to put a little into a reserve every
6 year for a pilot boat, or replacement of a pilot boat,
7 or replacement of an engine, or for unforeseen expend-
8 itures, and again for current expenses during the close
9 of navigation period.

10 Q. But what I mean, is do you always share
11 this money in equal share among the three pilots?

12 A. It has been shared -- the two senior
13 pilots have been getting an equal share, just about, and
14 the third pilot, who is only employed during the period
15 of open navigation in the Humber Arm, has been getting
16 less, but last year we thought that he was entitled
17 to as much as the other two pilots.

18 Q. We have a figure of \$3,091.00 retained
19 by the Board. Why do you retain that sum, and what do
20 you do with it?

21 A. We retain that for unforeseen expenditures,
22 such as a pilot boat if one is necessary, repairs to the
23 pilot boat, or the replacement of an engine. This year
24 we had to replace the radio telephone.

25 A. Would it serve, for instance, to pay the
26 salaries in the month of January, if you have no traffic
27 in the month of January?

28 A. It does, yes, it paid this year the
29 salaries of the two pilots with very little revenue.
30 Certainly not enough to cover the cost of the payment of the
salaries.



1 Q. So it will be a fund which you would keep
2 to operate your District, is that it?

3 A. Yes.

4 Q. Will you turn to the second page of this
5 statement, and would you explain the first part?

6 THE CHAIRMAN: Before you go further, have
7 you explained the annuity premiums?

8 MR. JACQUES: Oh, yes, that is right.

9 Q. Reverting back to the first page, would
10 you explain first the annuity system which is in force
11 in your District?

12 A. For a considerable time we have been
13 trying to get our pilots under some sort of a pension
14 scheme, which we have not been able to do because of
15 the limited number in the group, and last year when we
16 had an increase in tariff, we thought that we could
17 afford to get it, and called the pilots together and
18 made the proposition, after hearing from the Department
19 of Labour in Ottawa, as well as the Department of
20 Finance, and through their guidance we called in a sort
21 of an independent insurance company, with the idea of
22 getting them under an annuity, which was the only thing
23 that we could figure on, in lieu of a pension.

24 Q. Do you have the details of this plan?

25 A. No.

26 Q. Would the pilots have been issued with
27 a policy?

28 A. They each have their own policy.

29 Q. And this item which is entered as
30 annuity premiums are premiums which are paid by the Board?



1 A. Paid by the Board, but deducted from
2 the pilots' remuneration.

3 Q. Would you explain the difference between
4 the various sums which are paid on behalf of each pilot?

5 A. We wanted to give the pilots approximately
6 the same pension at the end of their service, based on
7 65 years, and the difference in the rate of premiums is
8 because of the difference in their ages.

9 Q. What pension would they have at age 65?

10 A. Approximately \$120.00

11 THE CHAIRMAN: Is that per month?

12 THE WITNESS: Per month.

13 Q. Would you turn to page 2 please?

14 A. Cash on hand and in current account,
15 Bank of Montreal, January 1st, 1962, \$6,099.51, and that
16 is based on the figure shown at the end of December
17 1961. Retained by the Board December 31st 1962, deprec-
18 iation etc., \$3,091.77.

19 A. What would be depreciation etc?

20 A. Depreciation etc. is the depreciation on
21 the boat, that we set up this fund more or less to replace
22 the boat. We called it depreciation.

23 Q. But you know, that is not very clear now.
24 There is no mention of depreciation on the first part of
25 your statement, and the first part of your statement accounts
26 very well for the monies which you collected, and the monies
27 which you have paid out, but in the monies which you have
28 paid out there is no mention at all of any reserve created
29 to replace the pilots' boat.

30 THE CHAIRMAN: The one before the last figure is
the same figure, but it is entered there under the



1 title of retained by Board.

2 THE WITNESS: Retained by Board, \$3,091.77.

3 Q. And it tallies with the figure on the
4 first page?

D2 5 A. Yes, which is shown as the \$3,091.77.

6 Q. But according to the entries made in
7 the first page of your statement, there is no mention
8 of depreciation, or any reserve fund for the pilot boat,
9 so I am just wondering whether the entry depreciation in
10 the second page of your statement is correct?

11 A. If you will notice, I suppose this is
12 a part of the financial statement, but this is stating
13 our financial status at the end of December the 31st.
14 Why we have got it there, retained for depreciation and
15 so on, that probably may not be correct. It is for
16 operating capital, as well as -- in other words, we had
17 at the end of the year \$9,191.28 in the banks.

18 Q. That is money in the bank?

19 A. That is money in the bank.

20 Q. I think we understand now what you mean
21 by depreciation etc. on page 2 of your statement?

22 A. This \$9,191.00 right now is left in
23 a current account, and if in sometime in June we can
24 foresee, or later on we can foresee that we can put a
25 part of that money in the savings account, we will do
26 so, but it is just dependent on the amount of revenue.
27 If we are going to have enough revenue to meet current
28 expenses.

29 Q. Would you explain the entry less overpaid
30 on income tax, refund requested \$100.00?



1 A. In making up the income tax which I
2 pay at the end of every month for the month, I have three
3 figures there. One was the income tax deducted from
4 each of the pilots. Another figure was the income tax
5 deducted from the Secretary-Treasurer, and the other
6 was income tax deducted from the proportion of surplus,
7 and in doing so I made an error of \$100.00. When I
8 made up the final accounts, I found it, and I requested
9 a refund, and I had to show it there because at that
10 time I had not received a \$100.00 refund from the Depart-
11 ment of National Revenue.

12 Q. So you pay the pilots' income tax?

13 A. Yes.

14 Q. Have you a file on income tax sir?

15 According to your file do you pay this tax on behalf
16 of the pilots, or for pilots as your employees?

17 A. I couldn't say.

18 Q. Would you look through the file and
19 see the mentions on the various forms and various
20 correspondence which you have there please?

21 A. Return of remuneration paid, which is
22 standard form T4 1962 summary.

23 Q. Whose name appears as name of employer?

24 A. The Board of Pilotage Commissioners for
25 Humber Arm.

26 Q. And would you have your employees'
27 name on this form?

28 A. Not on this form. We have the salary and
29 wages, the total salary and wages before deductions.

30 Q. In what amount is it?



1 A. The amount last year was \$28,263.52.

2 Q. To the best of your knowledge would that
3 represent the salary of your boatman and crew, or would
4 it include the pilots?

5 A. The pilots and the boatman.

6 Q. Do you then fill out a T-4 slip?

7 A. Yes.

8 Q. What information do you give on that
9 slip?

10 A. The name of the pilot, or employee in
11 this case, and the name and address of the employer,
12 the Board of Pilotage Commissioners for Humber Arm.
13 It is a standard form. The exemptions per TD-1 which
14 they file with us at the beginning of each year.

15 Q. Who files that with you?

16 A. The pilots.

17 Q. Each pilot files a TD-1 form?

18 A. Yes.

19 Q. Would you have those in your records
20 please?

21 A. There is one there, Raymond Johnson.

22 Q. Without mentioning any name, what does
23 that form contain?

24 A. The basic exemption, and his dependent,
25 or his dependents, his wife in this case, child or
26 children.

27 Q. Is it signed by the man?

28 A. It is signed by the man.

29 THE CHAIRMAN: Just for our information, could
30 we see a copy of the T-4? Just for our information, without



1 mentioning anything.

2 Q. Referring to your T-4 slips for 1962
3 which you have prepared, and your 1962 statement, would
4 the figures shown in your 1962 financial statement
5 correspond as regards salary with those shown on the
6 T-4 slip?

7 A. Yes.

8 Q. Now, would you pass on to your savings
9 accounts. You have two savings accounts. Will you explain
10 why you have those two accounts?

11 A. Well, the first we sent to the Newfound-
12 land Savings Bank at St. John's, because at that time
13 they would pay 3 per cent on savings, whereas the local
14 bank would pay one per cent. This amount shows \$8,733.00
15 in St. John's, only eight thousand of which was
16 deposited.

17 Q. Oh, yes, but why the two accounts?

18 A. Well, afterwards the local bank raised
19 its premium to three per cent, and we put it there.

20 Q. That is the only reason why you have
21 two separate accounts?

22 A. That is the only reason, yes.

23 Q. What is the purpose of these accounts?

24 A. So that if anything should happen to
25 our boat, or our engine, we would have some money to
26 buy something new, without dipping into the current
27 account.

28 Q. When were they created, these two
29 accounts, or the oldest one? When was it created?

30 A. The first one was created in 1956.



1 Q. Yes, and the second one?

2 A. May the 25th, 1961.

3 Q. And where do you get the money to deposit
4 to those accounts?

5 A. From the amount retained by the Board
6 at the end of each year.

7 Q. Upon reading your statement of 1962 I
8 note that you have not deposited any money in 1962. Is
9 that correct?

10 A. That is correct.

11 Q. When was the last time you deposited
12 money in either of those two accounts?

13 A. May the 25th, 1961.

14 Q. And if I understood you correctly, this
15 is a fund which is created to look after the replacement
16 of your boat or any --

17 A. Emergency.

18 Q. Or any emergencies. What do you include
19 in emergencies?

20 A. Well, there is a probability right now that
21 our fund won't be sufficient, our current revenue won't
22 be sufficient to pay those annuities we have taken out,
23 and therefore in such event this would help to pay those
24 premiums without reducing the pilots' salaries.

25 Q. So it has no particular purpose; it
26 just serves to pay any expenditures?

27 A. Yes; particularly we want to make provision
28 for the pilot boat. We had to build a pilot boat in
29 1952, and there had to be a postponement until 1954 because
30 there was no money towards the building of the boat, and so



1 we are guarding against a similar instance.

2 COMMISSIONER SMITH: You didn't get any
3 contribution from any source towards the building of
4 the pilot boat?

5 THE WITNESS: None whatever. We were made
6 to understand that our District was to be self-supporting,
7 and we were given no contribution anyway.

8 Q. Coming to your 1962 statement, we have
9 \$5,000.00 less depreciation of \$2,500.00. Would you
10 explain how you arrived at the value of \$5,000.00 and
11 the depreciation of \$2,500.00?

12 A. I don't know that I can explain that.
13 It is just a book value, and we have depreciated it
14 and gradually written it off.

15 Q. Who decided how much shall be depreciated
16 each year?

17 A. I more or less with the Chairman, and
18 then we confirm it at the annual meeting.

19 Q. Who attends the annual meeting?

20 A. The Chairman and Vice-Chairman and
21 myself.

22 Q. Have you checked with the accountant this
23 valuation figure?

24 A. Yes, and he doesn't see anything wrong
25 with it. We have to break down the value, for no
26 purpose particularly. The value of the second boat was
27 around \$16,000.00, and if she is nine years old she is
28 certainly not worth \$16,000.00 now.

29 THE CHAIRMAN: Have you checked with the
30 Income Tax Act, for instance?



1 THE WITNESS: Well, income tax is not
2 involved there, my lord.

3 THE CHAIRMAN: I know, but there is five
4 per cent, six per cent, ten per cent, and so on.

5 THE WITNESS: No, I haven't checked that.

6 -Q. And the income tax people have never
7 questioned that?

8 A. No.

9 Q. Or have ever said anything about it?

10 A. No.

11 COMMISSIONER RENWICK: As I understand it,
12 this group would not come under the jurisdiction of
13 any income tax authority.

14 MR. JACQUES: It is a corporation or probably,
15 it is a public body, and it has employees and it obtains
16 the revenue somewhere, and on the face of the books
17 it makes a profit, it has reserves. It be not be
18 considered exactly a profit because under the by-laws
19 they have to share a surplus. It is difficult to say
20 what their views would be.

21 THE CHAIRMAN: The question is whether the
22 revenues are the pilots' income or are they the
23 local Commission's income. This is a question also.

24 MR. JACQUES: If we held valid the 1953 by-laws,
25 the revenues are the Commission's income; if we follow
26 the judgment, then they belong to the pilots; and how
27 a fund can be created to build a boat, nobody knows.

28 THE CHAIRMAN: It may be that there will be
29 an agent for the pilots.

30 MR. JACQUES: Yes.



1 Q. Now, sir, pilot station, written off,
2 \$500.00. Would you, now that we have come to pilot
3 station, explain what sort of building it was, describe
4 it with as many details as possible.

5 A. Well, it is of a bungalow type; it has
6 a kitchen and three rooms and pantry and a porch. At
7 the present time it has no windows. There was a stove
8 put in it, and not too many years ago a new chimney put
9 up.

10 Q. Was it lighted by electricity?

11 A. No.

12 Q. Or oil lamps?

13 A. Oil lamps.

14 Q. Was it of wooden construction?

15 A. Yes, no basement.

16 Q. Did the pilots ever live there, to the
17 best of your knowledge?

18 A. Yes, at one time. They did not live there
19 permanently. They may have lived there for two or three
20 days, depending on how many boats came in.

21 Q. Was that since you have been secretary or
22 is it knowledge you have picked up since you have been
23 secretary?

24 A. I think in the first year I was secretary
25 they used that building for two years. But up to 1956
26 it was used, because in 1956 we bought a radio telephone
27 and put it on board the pilot boat, which gave us
28 communication.

29 Q. I think that this station has not been
30 used since 1956; is that correct?



1 A. Well, it has been used occasionally
2 since then, for sheltering in the fall of the year,
3 and so on. But I would say it could be considered
4 out of use these last five years.

5 Q. Roughly, how many times has it been
6 used last year for shelter purposes, to the best of
7 your knowledge?

8 A. I don't know.

9 Q. The pilots will know?

10 A. The pilots will know.

11 Q. Has there been any facility to dock your
12 pilot boat at the station?

13 A. There is a government wharf there; but
14 very often it is occupied and the pilot boat cannot get
15 there without tying up beside another boat.

16 Q. How far is the station from the govern-
17 ment wharf?

18 A. About 500 yards.

19 Q. Does the Commission think that this
20 station can still be of any use to the District?

21 A. I personally don't. I just speak for
22 myself. I don't see how it could under the present
23 setup.

24 Q. That is your personal opinion?

25 A. That is my personal opinion.

26 Q. Again in your personal opinion, do you
27 think that this asset should be sold by the Commission?

28 A. No, I think it should be retained by the
29 Commission.

30 Q. Why?



1 A. There may be the possibility or the
2 necessity of having to build another pilot station
3 up there.

4 Q. Now, sir, the last part of your 1962
5 statement contains the names of ships, amounts, and
6 I understand that these would be the outstanding invoices
7 for 1962?

8 A. That is correct; and I have not shown
9 them in the revenue of 1962.

10 Q. But they will be collected in 1963 and
11 they will appear in the revenue for 1963?

12 A. Under the heading of accounts receivable
13 for 1962.

14 Q. Now, sir, have you also your statement for
15 1961?

16 As regards the previous years, I have no
17 intention of going through the statements in detail but
18 just to point out various things.

19 Now, sir, we will not go through every entry
20 in your 1961 statement. Have you any spare copies of
21 this statement?

22 A. No.

23 Q. Will you give the Commission your copy
24 of the 1961 and 1960 statements?

25 A. Yes.

26 Q. Now, in your 1961 statement under
27 operating expenditures there is an entry of miscellaneous
28 expenses, overhead, \$1,926.16. Would you explain that
29 entry, please?

30 A. I cannot explain that in detail. It still



1 includes the Commissioners' expenses, if there is
2 no stationery there. I would have to go to the
3 accounts and get a breakdown.

4 Q. Because I note from that statement that
5 there is no entry for any monies paid to the Commissioners
6 themselves as expenses?

7 A. Well, it is included in that amount.
8 But that is not solely Commissioners' expenses.

9 Q. It may be stationery?

10 A. Yes. It includes stationery. I can't
11 break it down in detail.

12 Q. And in the same statement under non-oper-
13 ating expenditure I see an entry of loan to someone.
14 We will not mention the name, please. Would you explain
15 how this loan was made and how it is that you make
16 loans?

17 A. Well, let's say it was an advance against
18 his wages. He stressed at the time he needed some money,
19 and we gave him an advance on his wages.

20 Q. So in that year he has overpaid to the
21 extent of \$25.00?

22 A. Yes, which was later on collected.

23 Q. Had this been done before as regards your
24 pilots?

25 A. Yes.

26 Q. Has this been done as a practice?

27 A. Not recently. It is discouraged and
28 discontinued.

29 Q. Now we come to your pilot boat.

30 Before we come to that subject, I should like



1 to file as a bundle the financial statement for the
2 years ending December 31st, 1962, 1961, 1960, 1959, 1958,
3 1957 and 1956.

4 THE SECRETARY: 270.

5
6 ---EXHIBIT NO. 270:

Financial statements,
Pilotage Commission for
Humber Arm Pilotage
District for the years
ending December 31st,
1962, 1961, 1960, 1959,
1958, 1957 and 1956.

10
11 Q. Whilst we are talking about money, sir,
12 have you prepared a statement of the percentage which
13 the salaries paid to pilots bears to total revenue and
14 which the various expenses bear to total revenue?

15 A. Approximately?

PS 16 Q. Approximately.

17 Would you give your figures to the Commission,
18 please?

19 A. Do you want a percentage basis?

20 Q. Yes please.

21 A. I have taken this since 1952, because it
22 was from 1952 to 1955 that we were trying to get money
23 to pay the expenses of the building of a new boat, and
24 in that period the breakdown and the percentage
25 distribution of the revenue was 54.8.

26 Q. Just a moment please did you say from
27 1952 to 1955 or, 1952 to 1962?

28 A. 1952 to 1962. Because of these high
29 expenditures in 1955 and 1956 in building the boat, the
30 pilots' remuneration was 54.8 per cent. The boatman was



1 12.35 per cent.

2 Q. Is that his salary only?

3 A. That is his wages. Now, one of those
4 pilots was a part time boatman, but that is not included.
5 This is just the regular boatman.

6 Q. So the pilot was serving as a boatman
7 part time. His salary would be included in the 54.8
8 per cent?

9 A. In the 54.81 per cent. The operation of
10 the pilot boat and the building of same has been 18.34
11 per cent. The secretary's remuneration has been 3.21
12 per cent.

13 Q. Does that include your allowance for
14 expenses?

15 A. No, that is .71 per cent, which includes
16 all supplies and expenses.

17 Q. And does that cover the Commissioners'
18 expenses too?

19 A. No, their expenses would be in the percent-
20 age of 2.61 per cent. Audit, .22 per cent, Workmen's
21 Compensation, .85 per cent, telephone. Telephones
22 were discontinued in 1957, and the telephones applied
23 to I think it was the telephone at the pilot station.

24 Q. At Frenchman's Head?

25 A. .13 per cent. The pilot station, the cost
26 of it to date, including insurance, has amounted to .46
27 per cent.

28 Q. That includes upkeep, and supplies, and
29 paint?

30 A. Yes. It is discontinued now though. A



1 law suit was .31 per cent. .21 cent was a deficit, an
2 outstanding bill for the Commissioners' expenses in
3 1951 and 1952, due to the death of the Secretary-Treas-
4 urer.

5 Q. An outstanding bill?

6 A. No, no, it wouldn't be an outstanding
7 bill. It was paid in 1952 for 1951.

8 Q. What was paid?

9 A. Previous Commissioners' expenses.

10 Q. Why there they paid in 1951 for 1952?

11 A. No. 1952 for 1951.

12 Q. All right. Why were they paid in 1952 for
13 1951? I can't understand that.

14 A. Because of a shortage of funds, I don't
15 think it was paid in 1951.

16 Q. It was a debt due to the Commissioners?

17 A. Yes. Retained by the Board in the period,
18 6.25 per cent.

19 Q. This would be the average that you have
20 retained?

21 A. That is the percentage of the total
22 revenue which has been retained by the Board and placed
23 in two savings accounts, and in a current account.

24 Q. And that totals 100 per cent?

25 A. It totals 100 per cent.

26 Q. Where did you get the figures to make
27 up this statement?

28 A. From my own accounts, and from the Board's
29 accounts.

30 COMMISSIONER SMITH: Mr. Jacques, I understand



1 that covers a ten year period?

2 MR. JACQUES: Yes sir.

3 COMMISSIONER SMITH: 1952 to 1962?

4 MR. JACQUES: Yes sir.

5 THE WITNESS: The cost of the boat accounts
6 for 30.69 per cent of the revenue collected.

7 Q. And that includes what?

8 A. That includes the building of the boat,
9 the equipment on the boat, and the maintenance, and the
10 operation.

11 Q. Would operation include the wages to the
12 boatman?

13 A. In this 30 per cent, yes.

14 Q. That is the total boat operation?

15 A. The boat operation and construction is
16 30 per cent.

17 Q. And upkeep and construction is 30.69
18 per cent of the gross revenue of the District?

19 A. Yes sir.

20 Q. Have you prepared a statement showing
21 extraordinary expenditures to pilot boat from 1955 to
22 1962?

23 COMMISSIONER SMITH: That is a pretty good
24 statement.

25 MR. JACQUES: Oh, yes, I am quite pleased to see
26 that sir.

27 THE WITNESS: Yes I have.

28 MR. JACQUES: Would you file this statement as
29 Exhibit No. --

30 THE SECRETARY: 271.



---EXHIBIT NO. 271:

Statement of extraordinary
expenses to pilot boat from
1955 to 1962.

Q. Without going into the details, would you explain to the Commission what is your understanding of the words extraordinary expenditures?

A. Items which we have had to purchase, or repair, over and above the ordinary operation of the boat.

Q. Would you give examples of that?

A. Well, an example is the building of the boat in the initial stage, which was \$10,634.83.

Q. This is what the Commission has paid for the building of the boat?

A. For the building of the boat in the early stages, yes.

Q. In 1955?

A. Yes.

Q. And where did the Commission get this money?

A. They accumulated it over the three years, plus the thousand dollars which was in the bank account at the beginning of 1952.

Q. So the total cost of building this pilot boat has been borne by the Pilotage Commission?

A. Yes.

Q. You have had no help from any government, the Newfoundland or federal government?

A. No.

Q. No provincial government?



1 A. No.

2 Q. None from the local companies who do
3 business here?

4 A. No.

5 Q. None at all?

6 A. No.

7 Q. Apart from building the boat, what would
8 you consider extraordinary expenditures?

9 A. Well, we paid \$745.00 in 1955 for boat
10 hire while our old boat was useless, and our new boat
11 was under construction.

12 Q. That would be included in the item
13 expenses?

14 A. Yes.

15 THE CHAIRMAN: Just to let me know where this
16 comes into the 1962 financial statement, I see here that
17 for 1962 it is \$883.10. I suppose this comes under other
18 expenses?

19 THE WITNESS: This is all included in the
20 financial statement my lord.

21 THE CHAIRMAN: Yes, under the item other
22 expenses, and the "Humber Pilot" operation, including
23 lay up, repairs, excluding boatman, \$3,166.90.

24 THE WITNESS: Yes my lord, correct. This
25 \$883.10 was included in this \$3,166.90. This is not
26 over and above.

27 Q. And the difference between the two would
28 be operating expenses?

29 A. Ordinary operating, without --

30 Q. And the items included in this last Exhibit



1 would be improvements to the boat, and new equipment?

2 A. And replacement.

3 Q. And replacement of old equipment worn out?

4 A. Yes.

5 Q. Would it include major repairs?

6 A. Yes.

7 Q. Now sir, have you prepared a breakdown of
8 the pilots' gross and net earnings for 1962, showing what
9 deductions are made?

10 A. Yes sir.

11 MR. JACQUES: I would like to file this
12 document as Exhibit No. --

13 THE SECRETARY: 272.

14
15 ---EXHIBIT NO. 272: Breakdown of pilots'
16 gross and net earnings
17 for 1962.

18 Q. Would you explain to the Commission the
19 contents of this statement?

20 A. I think you will notice here gross wages or
21 remuneration, and the deductions, such as income tax,
22 unemployment insurance and annuity premiums, and the
23 balance as net earnings, of each of the pilots and boatman.

24 Q. And for what years?

25 A. For the years 1961, 1962.

26 Q. And where did you get this information?

27 A. From my payroll and accounts.

28 Q. Would the totals appear in the annual
29 returns for each of those two years?

30 A. Yes.



1 Q. Now sir, have you prepared a breakdown
2 of expenditures of the "Humber Pilot" for the years
3 1961, 1962?

4 A. Yes.

5 MR. JACQUES: I would like to file this as
6 Exhibit No. --

7 THE SECRETARY: 273.

8
9 ---EXHIBIT NO. 273:

Breakdown of expenditures
of the "Humber Pilot".

10
11
12 Q. Would you explain to the Commission what
13 this statement contains?

14 A. The statement contains the expenditures
15 on the pilot boat, and give in detail for 1961 and 1962,
16 and in 1962 winter lay up was \$234.29, repairs to boat
17 was \$284.92, and this amount includes the spring overhaul,
18 which we do annually. Paint, \$122.48; engine repairs,
19 \$379.86; radio telephone repairs, \$169.41; boat equipment,
20 including a new fuel tank which we put in, \$507.72;
21 miscellaneous operating supplies, \$256.15. That is,
22 rope, and soap, and so on. Fuel and oil, \$676.75; insurance
23 premium \$550.00; engine tools, \$10.96; and adjusting
24 compass, \$74.43. A total of \$3,236.94 for 1961.

25 Q. Yes, we need not go through the 1962
26 expenses in detail.

27 You mentioned insurance on the pilot boat.
28 What sort of insurance?

29 A. She is fully covered, I think, against
30 loss, stranding, and damage to third party.



1 Q. Are you able to let the Commission have
2 a copy of this marine insurance policy?

3 MR. W.J. SMITH: Is that^{the} current year,
4 1962 to 1963?

5 MR. JACQUES: For the record, this is Hull
6 policy number 72-5761/63, Anglo-Scottish Insurance
7 Company Limited. Insured: Board of Harbour and Pilotage
8 Commissioners for Humber Arm. Vessel: "Humber Pilot".
9 Expires 14 April 1964. Eleven thousand dollars at
10 five per cent. This is on the normal Institute time
11 clauses, Hulls, 1/10 10/52. Vessel warranted consigned
12 to waters of Humber Arm and Bay of Islands. Warranted
13 free from claim for loss, damage, or expenses because
14 of ice between September 31 and April 30, both dates
15 inclusive.

16 Q. Now sir, in this breakdown of expenditures
17 I see no mention of any hire which you may have paid out
18 to other boats.

19 What do you do when your boat is laid up for
20 repairs?

21 A. In the past we have been using an ice
22 breaker which Bowaters have had down there breaking up
23 ice to permit the boats to come into dock, and they
24 usually take the pilot as far as the inner edge of the
25 ice, or I would say the outer edge of the broken ice,
26 and the pilot comes in and docks the boat from there.

27 Q. Am I to understand that your boat is
28 always laid up during the winter months?

29 A. No, it is laid up dependent on the
30 amount of ice. On one or two occasions the boat has been



1 in the shelter all winter.

2 Q. But she would never be laid up during the
3 summer?

4 A. So far, no.

5 Q. Has she suffered any breakdown during the
6 summer?

7 A. Not this summer. I suggest you ask the
8 pilots.

9 Q. You wouldn't know that?

10 A. I would say no, but they could confirm
11 it.

12 Q. Are there any provisions made for a
13 substitute boat in case your boat is not operating?

14 A. No. We are just dependent on local
15 boats, if there is one available.

16 Q. To the best of your knowledge, within,
17 say, the past two or three years have you had occasion
18 to use local boats to replace your pilot boat?

19 A. Offhand, no.

20 Q. So the only time you would use another
21 boat would be during the winter when you use the ice-
22 breaker?

23 A. Or if our own boat broke down.

24 Q. But other than that, the only time you
25 would use another boat would be during the ice season?

26 A. Yes.

27 Q. Do you pay anything to Bowaters for the
28 use of this icebreaker?

29 A. We have a verbal agreement that the money
30 that will be collected this year for boat hire will be



1 passed over to Bowaters.

2 Q. So if you charged \$10.00 for your boat,
3 Bowaters would charge you \$10.00?

4 A. Yes, that is a verbal agreement.

5 Q. To the best of your knowledge, would you
6 say whether expenses for 1962 for your boat represent
7 the normal amount which you would expend for that boat,
8 in one year?

9 A. Well, comparing the last four years, this
10 is a normal operating expenditure for the year.

11 Q. Now, referring to your own files, would
12 you say how much money you collected last year in boat
13 charges?

14 A. \$4,480.00.

15 Q. And were the boat charges effective for
16 the full 12-month period last year?

17 A. No.

18 Q. When did they become effective?

19 A. April 1st, 1962.

20 Q. Projecting the boat charges to a 12-month
21 period, do you think they would be sufficient to cover
22 the operation of the boat and the salary of the boatman?

23 A. No.

24 Q. Have you figured out what the boat charge
25 should be in order to cover the operation and the salary?

26 A. No.

27 Q. You have not?

28 A. No.

29 Q. Now, sir, have you prepared a statement
30 of the traffic in and out of Humber Arm and the shifting



1 for the years 1958 to 1962, inclusive?

2 A. Yes.

3 Q. Would you file that statement as
4 Exhibit 274?

5 A. Yes.

6
7 ---EXHIBIT NO. 274:

Statement of traffic in
and out of Humber Arm and
shifting for the years
1958 to 1962, inclusive.

8
9
10 Q. Would you explain to the Commission the
11 information contained in that statement?

12 A. It contains the number of ships inward,
13 the number of ships outward, the number of ships shifted.

14 Q. When you say a ship, do you mean a trip
15 or the same ship which may have come in three or four
16 times?

17 A. The same ship which may have come in three
18 or four times.

19 Q. So it is not actually the number of ships,
20 it is the number of trips?

21 A. Yes.

22 THE CHAIRMAN: Of jobs, if you wish.

23 Q. Yes, of jobs, if you wish.

24 A. And this applies to ships which are
25 subject to pilotage dues, and it shows the ships that
26 came in or the jobs to which pilots were assigned and those
27 without pilots.

28 COMMISSIONER SMITH: Excuse me for interrupting
29 you. You say ships which are subject to pilotage dues.

30 I understand this District is a voluntary District.



1 THE WITNESS: This District now. We are
2 still operating as far as it goes under the Consolidated
3 Statutes of Newfoundland, Chapter 179, which states there
4 in one of the paragraphs the exemptions.

5 COMMISSIONER SMITH: I have here before me
6 the by-laws of the District, ninth September, 1953, and
7 Section 23 reads as follows:

8 "No vessel shall be compelled to accept
9 "the services of a pilot within the Pilotage
10 "District."

11 Now, does that mean that they have to pay the
12 dues but they don't have to accept the pilot?

13 THE WITNESS: Yes, sir, that is correct. If
14 they don't take a pilot they must pay pilotage dues.

15 COMMISSIONER SMITH: Just let me carry that
16 a step further. In the pilots' brief and in the brief of
17 the Commission reference is made to a compulsory District.
18 For instance in the pilots' brief, paragraph one, they
19 request the port of Corner Brook be made a compulsory port
20 for the payment of dues for all ships in excess of 200
21 tons, and so on. So that am I to understand now that
22 you have a compulsory District here in the ordinary sense
23 of the word except that the master does not have to accept
24 the pilot if he doesn't want to but he has to pay the
25 pilotage dues? Is that correct?

26 THE WITNESS: That is correct, sir.

27 COMMISSIONER SMITH: And that is the position
28 now?

29 THE WITNESS: Yes.

30 COMMISSIONER SMITH: Now, what is it you are



1 asking for in this brief in addition to that?

2 MR. JACQUES: He is not a pilot, sir; he did
3 not prepare the pilots' brief.

4 COMMISSIONER SMITH: It is also in the
5 Commission's brief.

6 THE WITNESS: In the Commission's brief it says
7 we would recommend that chapter six or part six of the
8 Canada Shipping Act be made applicable to Newfoundland
9 and that chapter 146, paragraph (e) be amended.

10 COMMISSIONER SMITH: What I am trying to find
11 out -- and I am not disputing anything you say -- is
12 what exactly do you want here in this District that you
13 haven't got now?

14 THE WITNESS: In respect to the compulsory
15 payment of dues, we want part six of the Canada Shipping
16 Act proclaimed applicable so it will sanction our
17 operations legally, which we have not now; and we want
18 the exemptions revised whereby such ships as are included
19 in the pilots' brief would be exempt only.

20 COMMISSIONER SMITH: In other words, what you
21 want is that the constitutional aspect of the situation
22 be completed so that Newfoundland will come in under
23 Part six the same as all the rest of Canada?

24 THE WITNESS: These are our recommendations,
25 otherwise we have no legal support under the Canada
26 Shipping Act.

27 COMMISSIONER SMITH: Thank you very much.
28 I understand now.

29 Q. Would you continue the explanation of
30 Exhibit 274, please?



1 A. In addition to the foregoing, it shows the
2 total net registered tons of the ships or jobs that came
3 in with pilots and without pilots, and the revenue
4 pilotage inwards and outwards, both with a pilot and
5 without a pilot, and the total revenue for both that
6 shifted on their own and for those that shifted with
7 the services of a pilot, and it gives the total for the
8 five years.

9 Q. This would show what the trend would be
10 in shipping. From this document it is evident that the
11 ships going out are more inclined to do without the
12 services of a pilot than those coming in. Would that
13 be true?

14 A. Yes, but applicable mostly to small
15 ships, low tonnage, and so on. But at the same time
16 the pilots visit all these boats, they ask if they want
17 a pilot, they get the bills signed, and very often they
18 refuse to take a pilot, they say they will get out on
19 their own.

20 Unfortunately, very often the pilots have
21 already ordered a boatman to board at Frenchman's Point
22 and it is a false alarm, at the last minute the captain
23 decides he doesn't want a pilot. There again it applies
24 mostly to the smaller ships of low tonnage.

25 Q. When the pilot boat has been ordered
26 and it is already moving out and the pilotage is
27 cancelled, do you charge the boat charge to the ship?

28 A. Whenever I know it has happened, I do,
29 yes.

30 Q. To the best of your knowledge, can you tell



1 the Commission the tonnage or the size of the vessels
2 or the types of vessels which are more inclined to do
3 without pilots? Have you been able to determine a trend
4 or determine a factor which would help the Commission
5 on that point?

6 A. It varies over the years. To go back
7 to 1958 when we had the lakers coming down there, they
8 were very familiar with the port, and they were about
9 1,400 tons, 1,600 tons, and they very often went out
10 without a pilot.

11 Q. That was in 1958?

12 A. Yes. Now the trend is, I would say,
13 in the vicinity of 800 tons, say 500 tons to a thousand
14 tons, and the small boats usually go to the cement
15 plant.

16 Q. When you refer to tons you refer to tons
17 net?

18 A. Yes.

19 Q. Would these ships be mostly under Canadian
20 or foreign registry?

21 A. Most of them are under foreign registry
22 but operating under coastal registry.

23 Q. What nationality?

24 A. British, Irish.

25 Q. They would be Commonwealth vessels?

26 A. Yes.

27 Q. Now, sir, do you have a list showing the
28 pilot's name, date of birth, date of engagement, date
29 of issue of licence, and so on?

30 A. Yes.



1 Q. Would you file that as Exhibit 275?

2 A. Yes.

3
4 ---EXHIBIT NO. 275:

List showing particulars
of pilots of Humber Arm
Pilotage District.

5
6
7 MR. JACQUES: I guess this does not need any
8 explanation; it is self-evident.

9 My lord, it may be convenient to adjourn now.

10 COMMISSIONER SMITH: If your lordship pleases,
11 before we adjourn this afternoon can I get permission
12 to read into the record a section of the Workmen's
13 Compensation Act?

14 THE CHAIRMAN: Please do.

15 COMMISSIONER SMITH: Because I think it is
16 going to have some effect on the deliberations with
17 regard to this Workmen's Compensation question here.

18 It is chapter 32 of the Statutes of Newfoundland,
19 1961, subparagraph 2 of Section 4:

20 "Any industry or workman not within the
21 "scope of this part by virtue of Section 3
22 "may, on application to the employer, be
23 "admitted by the Board as being within the
24 "scope of this part, and from and after such
25 "admission and during the period of such
26 "admission the industry or workman shall be
27 "deemed to be within the scope of this part."

28 THE CHAIRMAN: We will adjourn until seven
29 o'clock tonight. We have the Port aux Basques people
30 coming tonight.



1 MR. JACQUES: I think we should tell the
2 gentlemen here that tonight is strictly for Port aux
3 Basques, that they need not come unless they wish.

4 At what time shall we resume the hearing for
5 Corner Brook tomorrow morning, sir?

6 THE CHAIRMAN: Tomorrow morning at ten o'clock.

7
8 ---WHEREUPON THE HEARING ADJOURNED AT 4:30 P.M. UNTIL
9 7:00 P.M.

10
11
12 * * * * *



1 --- UPON RESUMING AT 7:00 P.M.:

2
3 MR. JACQUES: As the Commission is well aware,
4 we shall now start with the Port aux Basques hearing
5 for the time being, for this evening.

6
7 ALLAN JAMES MILBURNE, Sworn

8
9 DIRECT EXAMINATION BY MR. JACQUES:

10 Q. Would you state your full name please?

11 A. Allan James Milburne.

12 Q. How old are you?

13 A. 38.

14 Q. Are you a pilot for the Port aux Basques
15 District?

16 A. I am sir.

17 Q. How long have you been a pilot?

18 A. It will be nine years the first of
19 January 1964.

20 Q. Apart from your pilotage, have you had
21 previous sea experience?

22 A. Yes sir.

23 Q. Do you hold any certificate of competency
24 of any kind?

25 A. I hold a master's certificate of service.

26 Q. Would you explain to the Commission what
27 is that certificate and how you obtained it?

28 A. Well, I had about three years master
29 in the home trade, and that being a sufficient term
30 to qualify me for a master's service certificate, after



1 being examined --

2 Q. So, after serving three years as master
3 of a ship without a certificate, you eventually obtained
4 a master's certificate for home trade?

5 A. Yes sir.

6 Q. On what types of vessels did you serve
7 as master?

8 A. Coasting vessels.

9 Q. Yes, and what tonnage?

10 A. Oh, about 30 tons.

11 Q. Where did you run on these vessels?

12 A. Partly around the coast of Newfoundland.

13 Q. What part of the coast of Newfoundland?

14 A. Both the west and the south coast, and
15 across to Sydney, and so on.

16 Q. Had you run into Port aux Basques before
17 becoming a pilot?

18 A. Yes sir.

19 Q. Are you able to tell how many times you
20 had been in Port aux Basques as master?

21 A. That would be difficult, sir, to explain.
22 I have lived in Port aux Basques practically all my life.
23 I was four years of age when I came to Port aux Basques.

24 Q. And did you sail out of Port aux Basques?

25 A. Yes sir.

26 Q. Was Port aux Basques a port of call on
27 your trips?

28 A. Yes sir.

29 Q. And you have done that for three years?

30 A. Yes sir.



1 Q. Before you became a master did you have
2 sea experience?

3 A. Yes sir. I served with Bowaters in 1942.
4 I didn't bring my discharges with me, so I can't say
5 exactly how long I was with them. About a year and a
6 half, or two years.

7 Q. In what capacity did you work with them?

8 A. As AB.

9 Q. As able seaman?

10 A. Yes sir.

11 Q. What types of ships did you serve on?

12 A. I was on a tugboat at that time, the
13 m.v. "Preventer".

14 Q. What was her size, approximately? Was
15 she a very large tug?

16 A. Yes, she was an ocean tug sir.

17 Q. She was an ocean going tug?

18 A. Yes sir.

19 Q. What trips did you make with the m.v.
20 "Preventer"?

21 A. We towed wood around the coast of
22 Newfoundland, and we towed paper to ports in the
23 United States.

24 Q. To ports in the U.S.A.?

25 A. Yes sir.

26 Q. On barges, I imagine?

27 A. Yes sir.

28 Q. And which ports in the U.S.A. did you
29 visit?

30 A. New York, Camden, New Jersey, and there



1 was various other places that we called and made
2 shelters and harbour, but I can't recall them.

3 Q. Did you go south of New York?

4 A. Yes sir, we went as far as Camden,
5 New Jersey.

6 Q. And is that all the sea experience that
7 you have?

8 A. I served with the C.N.R.

9 Q. For how many years?

10 A. Just about three years.

11 Q. In what capacity?

12 A. As AB sir, and third mate.

13 Q. On what ships did you serve?

14 A. The s.s. "Burgeo".

15 Q. What trips did you make on that ship?

16 A. Well, mostly we ran from Port aux Basques
17 to North Sydney, but there was times we relieved ships
18 on the south coast.

19 Q. Do you recall the size of that ship?

20 A. Yes sir, the net tonnage is 839, and I
21 can't recall the length.

22 Q. On that ship of which you were master,
23 would you care to explain how you became master of that
24 ship? Was that your own ship, or were you employed?

25 A. I was employed by T.J. Hardy, and I had
26 a boat of my own.

27 Q. What was the size of your own boat?

28 A. 30 tons.

29 Q. That was your own boat?

30 A. Yes.



1 Q. And you were working for someone else
2 with your own boat?

3 A. Well, no. I was on my own.

4 Q. Would you tell us how you became a pilot
5 in Port aux Basques?

6 A. Well, the Pilot Commission asked for
7 applications for a job as harbour pilot.

8 Q. Did they ask for that in the newspaper,
9 or by notices posted in the church or --

10 A. Notices posted sir.

11 Q. Where were they posted?

12 A. In the post office, and at Port aux
13 Basques too, I think, in the Customs, and I made my
14 application, and it was accepted.

15 Q. Do you recall the qualifications they
16 required at that time?

17 A. No.

18 Q. You don't recall that?

19 A. I don't recall that sir.

20 Q. Did you pass any examination before being
21 accepted as pilot?

22 A. With the Commission?

23 Q. With the Commission?

24 A. Yes sir.

25 Q. Do you recall any of the subjects you
26 were examined on?

27 A. Rules of the road sir, mostly.

28 Q. Do you recall now who examined you on
29 these subjects?

30 A. Mr. Davis asked me a few questions. I hadn't



1 had my certificate too long previous to that, and I
2 think he took it for granted that seeing I was just
3 back from my ticket --

4 Q. This Mr. Davis, to the best of your
5 knowledge did he have any sea experience?

6 A. Very little sir, to my knowledge.

7 Q. And how long had you had your certificate
8 as master before you became a pilot?

9 A. Three years.

10 Q. Now sir, would you describe the pilot
11 boat at Port aux Basques? What is her length?

12 A. She is 36 feet overall.

13 Q. Is she a wooden ship?

14 A. Wooden structure.

15 Q. Is she powered by a diesel?

16 A. 72 horsepower diesel.

17 Q. What is her beam?

18 A. 10 feet.

19 Q. And her draught?

20 A. 3 feet 6 inches.

21 Q. Is she decked?

22 A. She is decked.

23 Q. Has she got any accommodation aboard?

24 A. Yes sir.

25 Q. What kind of accommodation?

26 A. The accommodation is about 14 feet. There
27 is two bunks, one on either side, and there is a
28 deckhouse above it.

29 Q. Is she equipped with radio telephone?

30 A. Yes sir.



1 Q. Is she equipped with radar?

2 A. No, just the radio telephone.

3 Q. No echo sounder?

4 A. No sir.

5 Q. And no radar?

6 A. No.

7 Q. Where is she stationed at Port aux
8 Basques?

9 A. Well, we have a wharf of our own built
10 there, and a little shed.

11 COMMISSIONER SMITH: Is she satisfactory?

12 THE WITNESS: She is satisfactory sir.

13 Q. I show you Chart No. 4641, Exhibit 231.
14 Would you on that chart indicate the wharf at which
15 your pilot boat is stationed, with a red circle?

16 (The witness complies.)

17 Q. How old is that pilot boat?

18 A. 8 years old sir.

19 Q. Do you recall where she was built?

20 A. North Bay, Lapoile Bay.

21 Q. She was built there eight years ago?

22 A. Yes sir.

23 Q. Was she built particularly for the
24 Pilotage District?

25 A. She was sir, yes.

26 Q. You were a pilot then, were you not?

27 A. Yes sir.

28 Q. Were you consulted prior to the building
29 of this ship?

30 A. Me in particular?



1 Q. Yes?

2 A. Yes.

3 Q. You were?

4 A. Yes.

5 Q. Would you care to state to the Commission
6 the views you expressed then, and tell us whether they
7 were carried into effect by the authorities?

8 A. Excuse me sir, would you mind repeating
9 that?

10 Q. Would you explain to the Commission the
11 views you expressed on what a pilot boat should be at
12 that time?

13 A. Well, at that time funds were a big
14 problem, and I guess we had to build a boat according
15 to our means. In other words, if we had had a bit
16 more money, we would probably have had a little bigger
17 boat, but in the meantime, I would say the boat is
18 satisfactory.

19 Q. Who looks after the boat?

20 A. The boatman sir.

21 Q. Do you know if he has any qualification
22 to look after a pilot boat?

23 A. Yes, he has a master's service certificate.

24 Q. The same as you have?

25 A. No, his is limited to a tonnage of
26 350 tons.

27 Q. And yours is unlimited?

28 A. Unlimited sir.

29 Q. For cargo?

30 A. Yes.



1 Q. But not passengers?

2 A. No.

3 Q. Is your boat overhauled and repaired
4 every year?

5 A. Yes sir.

6 Q. Who does that?

7 A. Well, about four years ago we were in
8 St. Pierre for about two days on the dock, and prior to
9 that we used to take her up in Jim Hardy's dock there
10 in Port aux Basques, and now we take her to North
11 Sydney, to the marine railways.

12 Q. How long is your boat away when she is
13 in Sydney?

14 A. Approximately a week.

15 Q. A week only?

16 A. Yes.

17 Q. Do you have a replacement boat for that
18 period of time?

19 A. Yes.

20 Q. What sort of replacement boat?

21 A. Just an ordinary motor boat, I would
22 say about 18 feet, just an open motor boat.

23 Q. Is she locally owned?

24 A. Yes sir.

25 Q. What is she used for, apart from that?

26 A. Well, we have had different boats on
27 different occasions. One belonged to Jim Hardy. He
28 used his mostly to tow his lobsters in from their
29 moorings to the wharf. The other one was mostly for
30 pleasure.



1 Q. Apart from this boat, is there a pilot
2 station?

3 A. Yes sir.

4 Q. Where is the pilot station?

5 A. A straight line --

6 Q. Would you indicate it in red pencil on
7 Chart No. 4641, produced as Exhibit 231? I see you
8 have drawn a straight line from Channel Head to Shoal
9 Point?

10 A. Yes sir.

11 Q. This is the limit of your District, but
12 what I mean is, is there a pilot station, a house, a
13 pilot house, or a shed or shelter of any kind near the
14 seaward limits of your District?

15 A. The only shelter we have is on the
16 wharf here. We have a little shed built on that.

17 Q. A little shed?

18 A. Yes, on the wharf.

19 Q. To the best of your knowledge who owns
20 that shed?

21 A. The Port aux Basques Pilot Commission.

22 Q. Would you describe it to the Commission?

23 A. The shed sir?

24 Q. The shed, yes?

25 A. It is 10 foot long, and it is the width
26 of the wharf, 8 foot. 10 foot by 8 foot.

27 Q. Has it got any accommodation of any kind
28 inside?

29 A. No.

30 Q. Would you need accommodation in that



1 shed?

2 A. I don't know sir.

3 Q. What do you use it for?

4 A. Just to keep spare parts for the engine,
5 and mooring lines, and so on.

6 Q. So you are not at that station at any
7 time?

8 A. No sir.

9 Q. Who does the dispatching? Who gets in
10 touch with you when your services are required?

11 A. Usually, especially the C.N.R. boats,
12 we have to call and find out for ourselves, to see if
13 a ship is coming.

14 Q. Who does the calling?

15 A. I do sir.

16 Q. And what about the other ships?

17 A. Well, they send an E.T.A.

18 Q. Do whom do they send the E.T.A.?

19 A. Sometimes to the railway, sometimes to
20 Imperial Oil, or Bowaters, and they phone.

21 Q. Do they phone you?

22 A. Yes sir.

23 Q. Do they ever phone the Secretary of the
24 Commission?

25 A. Yes sir, sometimes.

26 Q. But usually they phone you direct?

27 A. Yes sir.

28 Q. How long does it take you to go from the
29 station to the boarding point when you take a ship in?

30 A. About 15 minutes, ten to fifteen minutes.



1 Q. Would 15 minutes be the maximum length
2 of time?

3 A. Yes.

4 Q. How long does it take you to take a ship
5 inside the harbour?

6 A. Well, it depends on weather conditions.

7 Q. Well, let us say on a fine day?

8 A. Oh, probably 20 minutes.

9 Q. And let us say on a very nasty day?

10 A. Well, when the weather and visibility is
11 poor, probably 25 to 30 minutes by the time you would
12 get the ship docked.

13 Q. Does it happen that you would exceed
14 a half hour?

15 A. Sometimes sir, yes. Some more times.
16 no.

17 Q. Does that happen very frequently that
18 you exceed the half hour?

19 A. I get a half an hour's notice do you mean?

20 Q. No. To take a ship in?

21 A. No, not too often sir, I would say.

22 Q. How long does it take you to take a ship
23 out?

24 A. Well, according to the weather conditions
25 I would say about the same thing.

26 Q. On a very fine day about 20 minutes, and
27 on a very nasty day half an hour?

28 A. Yes sir.

29 Q. Do these times including the docking of
30 the ships?



1 A. Yes sir.

2 Q. And the undocking of the ships also?

3 A. Yes sir.

4 Q. Normally how long does it take you to
5 go in without docking?

6 A. Approximately 15 minutes sir.

7 Q. At what speed do you go in?

8 A. Well, different ships, I would say roughly
9 five knots.

10 Q. Is there much current going in or out?

11 A. Very little sir.

12 Q. In which direction does it run?

13 A. Well, with a rising tide you will get the
14 tide running in on the eastern part of the harbour, and
15 running in from the west side, and on a reap tide, well,
16 there is no current.

17 Q. Would wind be an important factor in
18 taking a ship in?

19 A. Oh, it would be sir, yes.

20 Q. How much of a wind would you consider
21 an important factor?

22 A. Well, we have docked ships in 35 miles
23 of wind.

24 Q. Would you consider that an extreme?

25 A. No, I would say that is wind enough sir.
26 That is in a big ship now.

27 COMMISSIONER SMITH: Excuse me, Mr. Jacques.
28 If your lordship pleases, I would like to ask the
29 witness a couple of questions that are only remotely
30



1 connected with our terms of reference.

2 They have to do with the installations there.
3 Mr. Jacques has brought up a question of the wind and
4 docking. When the "Carson" was built, I understood that
5 some new installations were put into Port aux Basques
6 to accommodate her. A breakwater and a wharf, or what-
7 ever, is that correct?

8 THE WITNESS: That is correct sir.

9 COMMISSIONER SMITH: And I also understood that,
10 this is some years ago, that what they put in there
11 weren't quite enough, and they had to extend the break-
12 water, or do something else, to make the improvements
13 satisfactory for the accommodation of the "Carson". Is
14 that right?

15 THE WITNESS: Yes sir.

16 COMMISSIONER SMITH: And now everything is
17 satisfactory and safe in every way so far as the
18 docking and undocking of the ferry is concerned, even
19 under extreme weather conditions. Is that right?
20
21
22
23
24
25
26
27
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29
30



1 A. No, sir, I wouldn't say that, because
2 there are times when the Carson can't get in, and it might
3 not only be the Carson but any other ship. As you know,
4 Port aux Basques is wide open to southeast gales and there
5 is quite a sea in the harbour and the passage is narrow
6 there.

7 COMMISSIONER SMITH: Where does the Carson go
8 if she cannot come in? Does she just wait outside?

9 THE WITNESS: Yes, sir.

10 COMMISSIONER SMITH: Thank you very much.

11 Q. You mentioned a wind of 35 miles an hour.
12 Would that be the maximum wind that you would accept to
13 dock a ship?

14 A. Well, it would depend on the ship, sir,
15 the size.

16 Q. Let's say a large ship?

17 A. Yes, let's say a large ship.

18 Q. And a small ship?

19 A. It would be more -- 50, 65-mile an hour
20 wind.

21 Q. Does it occur very often that you have a
22 65-mile an hour wind?

23 A. Yes, in the wintertime, quite often.

24 Q. Can you tell me how many times a week?

25 A. Sometimes it is a full week.

26 Q. Does it happen that that type of wind
27 prevents vessels coming in and docking?

28 A. Yes, sir.

29 Q. It does?

30 A. Oh, yes.



1 Q. Last year could you say how many times that
2 has happened, in 1962?

3 A. Approximately; I can only guess approximately.

4 Q. Yes, that is fair enough.

5 A. It would be 12 or 15 times.

6 Q. And when that happened who took the decision
7 not to go along side?

8 A. The master.

9 Q. Did you advise him not to go alongside
10 at those times?

11 A. Well, I was never aboard a ship, to tell
12 you the truth -- yes, I have been talking on the radio-
13 telephone to masters and advised them not to go alongside.

14 Q. And they have accepted your advice?

15 A. Yes.

16 Q. Is that a frequent occurrence?

17 A. Not too frequent, no.

18 Q. Now, I understand that Port aux Basques
19 is quite exposed to seas?

20 A. Yes, sir.

21 Q. Would you have a swell coming in?

22 A. Yes, especially south-east, southerly
23 winds.

24 Q. That would create quite a swell?

25 A. Yes.

26 Q. Would that swell be of such a height to
27 make manoeuvring difficult coming in?

28 A. Yes.

29 Q. Has there ever been any accident owing to
30 the swell?



1 A. No, not that I can recall.

2 Q. Would you yourself consider it a great
3 danger if you have a heavy swell running in?

4 A. I would, sir.

5 Q. Would you take a ship in just the same?

6 A. No.

7 Q. You would not come in?

8 A. That is right.

9 Q. Would you advise the master not to come
10 in?

11 A. That is right.

12 Q. Has that happened very often?

13 A. No, not too often.

14 Q. With swell and wind combined -- and I
15 understand I am asking a very difficult question -- would
16 you tell the Commission how many ships were prevented
17 from going into Port au Basques last year?

18 A. Probably five or six.

19 Q. Would these be large ships?

20 A. Yes, sir.

21 Q. And when we are talking about large ships,
22 what do you understand?

23 A. By a large ship I would say anything from
24 one thousand five hundred to three thousand or four thou-
25 sand tons net.

26 Q. Would three thousand or four thousand
27 tons net be the maximum that you have ever seen in
28 Port aux Basques?

29 A. Yes, sir.

30 Q. It would be?



1 A. Yes, sir.

2 Q. What is the tonnage of the "Carson"?

3 A. She is 4,600.

4 Q. So no ship would be bigger than the
5 "Carson", would it?

6 A. No.

7 COMMISSIONER SMITH: 4,600 what? Net?

8 THE WITNESS: Yes, sir, net.

9 Q. Apart from weather conditions, wind and
10 swell, are there any major navigational difficulties or
11 hazards going into Port aux Basques, docking there?

12 A. Well, we have two breakwaters there.
13 We have the East Baldwin Shoal; we have the breakwater
14 here on the port hand.

15 Q. On Graveyard Point?

16 A. Yes, sir. Now, there is the eastern
17 breakwater.

18 Q. Off Pikes Island?

19 A. Yes. Then we have the Pancake Rock.

20 Q. That is inside the harbour?

21 A. Yes, and Vardys Island.

22 Q. Why would these be dangerous to navigation?

23 A. The danger to navigation in every weather
24 is right here.

25 Q. When you say "right here," what do you
26 mean?

27 A. In heavy sea coming in the passage is
28 narrow there.

29 Q. That is off the breakwater on Graveyard
30



1 Point?

2 A. Yes.

3 Q. And that would be dangerous?

4 A. Yes.

5 Q. Why would it be dangerous?

6 A. Because the ship has a tendency to run
7 into a swell, and if she should run to port or starboard,
8 as she does sometimes, she is too close.

9 Q. What would be the distance between Middle
10 Baldwin Rock buoy and the breakwater?

11 A. 350 feet.

12 Q. Apart from this danger, would you care
13 to indicate any other which in your opinion affects
14 navigation?

15 A. This Pancake Rock, as you can see. Of
16 course, they are working on that now, they intend to
17 take it out.

18 Q. Who intends to take it out?

19 A. The Department of Public Works, St.
20 John's.

21 Q. Why is it dangerous to navigation?

22 A. Well, it is a shoal there with approx-
23 imately two, three feet of water in it. They have
24 blasted the area here.

25 Q. They have blasted the area to the north-
26 east of an area drawn near Pancake Rock?

27 A. Yes.

28 Q. And that would facilitate navigation in
29 the channel, would it not?

30 A. Yes, sir.



1 Q. To what extent?

2 A. Well, as you see, you haven't too much
3 room in the harbour there; you have approximately two
4 ships' length from there.

5 Q. From where?

6 A. Say a thousand feet from there to there.

7 Q. You mean from the sixth red light, a
8 thousand feet to Vardy's Island?

9 A. Yes.

10 Q. Would you have any difficulty in going
11 around the bend at Vardy's Island?

12 A. No, sir.

13 Q. Would this dredging and mining which
14 you have mentioned facilitate your work?

15 A. It would.

16 Q. Have you had much fog in Port aux Basques?

17 A. Quite a bit sometimes.

18 Q. Does it affect your work very much?

19 A. It makes it that much more difficult
20 going back and forth.

21 Q. Does it prevent you doing your job
22 altogether at any time?

23 A. No.

24 Q. It does not?

25 A. No, sir.

26 Q. You have never stopped for fog?

27 A. No.

28 Q. Would the ships that you have piloted
29 have radar?

30 A. Yes, sir.



1 Q. Would all of them have radar?

2 A. No, I wouldn't say all of them.

3 Q. If they have no radar, would you go in
4 and out just the same?

5 A. Yes.

6 Q. Does radar help you in your work?

7 A. Yes.

8 Q. Do you rely on radar?

9 A. Not solely.

10 Q. Have you any aids to navigation available
11 in foggy weather in the harbour?

12 A. Yes, sir.

13 Q. What are they?

14 A. We have buoys.

15 Q. Are they whistle or bell buoys?

16 A. Bell and whistle.

17 Q. Yes?

18 A. And we have lights on the breakwaters.

19 Q. Are the lights equipped with fog horns
20 or similar devices?

21 A. No, just reflectors.

22 Q. Any other aids?

23 A. No, just buoys and lights on the break-
24 waters on Vardys Island.

25 Q. How do you pass the breakwater in bad
26 weather?

27 A. We come round by the buoy and steer by
28 course.

29 Q. And do you allow for drift one way or the
30 other?



1 A. Yes, we allow for that.

2 Q. And do you allow for leeway, for the
3 wind?

4 A. Yes.

5 Q. Has it happened that somebody has hit
6 that breakwater in foggy weather?

7 A. Not to my knowledge. Excuse me, I just
8 thought of this, last year... You asked if a ship hit
9 the breakwater. The motor vessel "Ardglen" did strick
10 the western breakwater last year, last fall.

11 Q. Did it occur in foggy weather?

12 A. Yes, it occurred in foggy weather.

13 Q. Did she have a pilot onboard?

14 A. No, sir.

15 Q. She did not?

16 A. No.

17 Q. To the best of your knowledge, do you
18 know if that ship had been in Port aux Basques before?

19 A. Many times, sir.

20 Q. Do you know if she had the same master
21 aboard?

22 A. The same master, yes.

23 Q. Do you know whether or not he had been
24 into Port aux Basques quite often before?

25 A. Yes, sir.

26 Q. Again to the best of your knowledge,
27 to what cause would you attribute this accident?

28 A. Well, I was aboard a ship at the new
29 terminal and I came out as far as Vardys Island, and
30 he told me it was okay to get off because there was an



1 icebreaker went to the south-east and he thought maybe
2 if I went farther I wouldn't get off the ship, and the
3 only thing I could see was that he didn't alter to port
4 quick enough.

5 Q. She was coming out?

6 A. Yes.

7 Q. And you were onboard that ship?

8 A. Yes.

9 Q. And you were taking her as far as Vardys
10 Island?

11 A. Yes.

12 Q. And the master let you off at Vardys
13 Island?

14 A. Yes.

15 Q. And you say it was foggy?

16 A. Yes.

17 Q. And there was a heavy swell?

18 A. Yes.

19 Q. There couldn't have been much wind if
20 it was foggy?

21 A. Yes, there was a wind.

22 Q. Of what force?

23 A. 20, 25.

24 Q. Would it help you if there were fog
25 horns or similar devices installed?

26 A. Yes.

27 Q. Would it help in navigation?

28 A. Yes.

29 Q. Do you think it would help masters to
30 come in without pilots in foggy weather? That wasn't



1 a fair question. I should have said masters who were
2 familiar with the harbour in the fair weather?

3 A. Yes, I would say so.

4 Q. You think it would help them?

5 A. Yes.

6 Q. Does it happen that masters come in
7 without a pilot in fair weather and request your services
8 in bad weather?

9 A. Yes.

10 Q. It has happened?

11 A. Yes.

12 Q. Does it happen very often?

13 A. Not too often, no, sir.

14 Q. How many times last year?

15 A. Maybe two or three times.

16 Q. Are they always the same masters?

17 A. Yes, sir.

18 Q. What sort of ships are those particular
19 ones?

20 A. Well, some are freight ships.

21 Q. Are they C.N.R. ships?

22 A. No, some are chartered by the C.N.R.

23 Q. Are they Newfoundland ships?

24 A. No, sir.

25 Q. Do you know if they have Newfoundland
26 masters on board?

27 A. No, sir.

28 Q. You wouldn't recall the names of some
29 of those ships, would you?

30 A. No, sir, I can't.



1 Q. At any rate, are they coastal ships?
2 Do they run, say, within the Gulf only or do they go
3 out to sea?

4 A. Sometimes they come from the Gulf, some-
5 times they -- from the sea, did you say?

6 Q. Yes?

7 A. Yes, sometimes from the sea.

8 Q. Foreign ships?

9 A. Yes, sometimes.

10 Q. Do you know where they come from?

11 A. Some are foreign draggers from the
12 fishing banks. We have had foreign ships in for
13 bunker, or a freighter. We have had foreign ships in
14 who sometimes take off a sick man and things like that.

15 COMMISSIONER SMITH: Mr. Jacques, I am not
16 sure whether I heard you. Did you ask him if there
17 were many ships came in paying the pilotage dues but
18 not taking a pilot?

19 MR. JACQUES: No, that was not exactly my
20 question, but the answer may serve to answer your
21 question. I asked him if it ever happened that masters
22 who did not take pilots during fine weather took them
23 when it was dirty weather.

24 COMMISSIONER SMITH: That is part of it but
25 it is not the full answer, is it? Would you ask him?

26 MR. JACQUES: Yes.

27 Can you tell us whether any ship subject to
28 the payment of pilotage dues dispenses with your
29 services, that is it doesn't take you as a pilot, but
30 still pays pilotage dues?



1 A. You mean the ships come in without a
2 pilot?

3 Q. Yes?

4 A. Yes, sir.

5 Q. And pay pilotage dues?

6 A. Yes.

7 Q. Do you know how many that would be?

8 A. No.

9 Q. You have no record of that?

10 A. I have a record of them.

11 Q. You have a record of them?

12 A. Not of the ships that don't pay pilotage;
13 I have a record of all ships entering Port aux Basques.

14 Q. Of all ships, pilot or not pilot?

15 A. Yes, sir.

16 Q. Exempt or not exempt from the payment
17 of pilotage dues?

18 A. Yes.

19 Q. At what tonnage do you start?

20 A. 101 net tons.

21 Q. And you have a record of all the ships
22 of that tonnage and over entering Port aux Basques?

23 A. Yes.

24 Q. Over what period is that record?

25 A. Over eight and a half years.

26 COMMISSIONER SMITH: That would be invaluable.

27 Q. Then I would ask you to send to the
28 Commission in Ottawa your records for the past five
29 years. We will return them to you after we have made
30 use of them.



1 A. Yes.
2 Q. What information do you have in that
3 record?

4 A. The weather, the times of arrival.

5 Q. Have you got the ship's name?

6 A. Yes.

7 Q. Have you got the port where she came
8 from?

9 A. No.

10 Q. Have you got the port where she is going?

11 A. No.

12 Q. Have you got the net tonnage?

13 A. Yes.

14 Q. Have you got her flag?

15 A. Yes, sir.

16 Q. Does it show whether she took a pilot
17 or not?

18 A. I have a pretty good idea of that, sir.

19 Q. Surely you must have records of the
20 names of the ships that have taken pilots somewhere?

21 A. Yes.

22 Q. There would be?

23 A. Yes.

24 Q. You haven't got them?

25 A. Yes, I have them.

26 Q. You have those records also?

27 A. Yes.

28 Q. For how many years?

29 A. I think the book is there, since I started,
30 eight and a half years.



1 Q. Would you send that book up to Ottawa,
2 for the past five years?

3 A. Yes.

4 Q. And that book would show what?

5 A. The names of the ships, their net
6 tonnage, the time of arrival and the weather conditions
7 at that time.

8 Q. Would it show time of departure?

9 A. Time of arrival. Our by-laws read that
10 a ship that pays pilotage has just the one rate.

11 COMMISSIONER SMITH: And it would show the
12 frequently of calls as well?

13 THE WITNESS: Yes, sir.

14 Q. But we can assume that all these ships
15 have left Port aux Basques?

16 A. Yes, sir.

17 Q. And you say it shows the tonnage, time
18 of arrival, name of the ship?

19 A. Yes, sir.

20 Q. Anything else?

21 A. I can give you the nationality also.

22 Q. Is that in the same record?

23 A. Yes.

24 Q. Has it been kept by you since you have
25 been a pilot?

26 A. Yes.

27 Q. Does it show it also for the other
28 pilots?

29 A. I have kept it all.

30 Q. So to the best of your knowledge, this



1 is a complete record of all ships entering and leaving
2 Port aux Basques?

3 A. Yes.

4 Q. One record of ships with a pilot and
5 another records of ships without a pilot?

6 A. I know which ships took a pilot.

7 Q. I want to know if it appears in the
8 records?

9 A. No, it doesn't appear.

10 COMMISSIONER SMITH: But you can make it
11 appear?

12 THE WITNESS: Yes, I can make it appear.

13 Q. But does it exist as a record, a list
14 of ships that have taken a pilot?

15 A. No, it doesn't.

16 Q. Well, to the best of your recollection
17 then would you in that record indicate, I don't know,
18 by a red mark or a green mark, the ships that have
19 taken pilots?

20 A. Yes sir.

21 Q. What about depth of water in the harbour?
22 Is that a problem as far as you are concerned?

23 A. No sir I wouldn't say that it is.

24 Q. There is always ample water for the
25 ships that you take in?

26 A. Yes.

27 Q. Is there any silting in the harbour?

28 A. What do you mean by silting?

29 Q. Any mud accumulating in the bottom and
30 reducing the depth of the water?



1 A. Yes sir.

2 Q. There is?

3 A. Yes sir.

4 Q. Would you indicate on Chart No. 4641,
5 Exhibit No. 231, the area where there is silting, or
6 accumulation of mud as the years go on?

7 A. This here, sir, is an old block, a
8 piece of a wharf that belonged to Job Brothers.

9 Q. Would you indicate it in green please?
10 (The witness complies.)

11 A. And this here, sir, this is filling up
12 up around this part.

13 Q. Is this area where the two green marks
14 are on Chart No. 4641 frequently used by ships?

15 A. Yes sir.

16 Q. What type of ships?

17 A. Well sir, C.N.R. ships go up there, the
18 charter ships, Imperial Oil tankers. Now, the tankers
19 don't go up quite that far.

20 Q. What would be the tonnage approximately
21 of these ships?

22 A. The "Cabot Strait" is 1,036 tons.

23 Q. What would be their draught when they
24 come in loaded, or leave loaded?

25 A. Approximately 17 to 18 feet.

26 Q. Is there much of a range of tide in
27 Port aux Basques?

28 A. Five feet, sir, spring tide.

29 Q. And there any anchorages in this place?

30 A. There is not sir, that is to anchor a



1 ship and have a change of wind. What I mean by that
2 is that if the wind is south-east you can go and anchor
3 a ship so that it will be out of the way, but if the
4 wind changed to the south-west you would have to go down
5 and anchor so that you would be in the way of the C.N.R.
6 new terminal.

7 Q. Do you frequently anchor vessels in the
8 harbour?

9 A. Sometimes sir, yes.

10 Q. And do vessels frequently anchor in the
11 harbour?

12 A. Yes sir.

13 Q. So, with a change of wind they have to
14 heave up and go elsewhere?

15 A. That is right sir.

16 Q. Is that a regular occurrence?

17 A. Yes. We have had several times, or quite
18 a few times had it happen. Of course, if it is possible
19 at all that there is a wharf available, we will take it
20 there.

21 COMMISSIONER SMITH: It that word heaves up
22 or heaves to?

23 MR. JACQUES: Heaves up means heaving up the
24 anchor. Heave to means in a rough sea, a ship without
25 stopping the ship putting the nose in the wind.

26 Q. Have there been any other accidents
27 apart from that incident you just mentioned, occur in the
28 harbour?

29 A. Yes sir, we had an accident three winters
30 ago.



1 Q. What sort of accident?

2 A. We ran into the old pier of the C.N.R.

3 Q. Who is, we?

4 A. The ship "Labeka".

5 Q. Did she have a pilot aboard?

6 A. Yes sir.

7 Q. Were you the pilot?

8 A. Yes sir.

9 Q. What would be the cause of the accident,
10 to the best of your recollection?

11 A. Well, the engine failed to go astern.

12 Q. Was it windy?

13 A. No sir, it was a perfect morning.

14 Q. There was no fog?

15 A. No sir.

16 Q. Couldn't you drop the anchors?

17 A. We did drop the port anchor, sir, but the
18 starboard anchor was frozen in the hawse pipe, and we
19 couldn't get it out.

20 Q. So that you only dropped one anchor?

21 A. Yes sir.

22 Q. Do you think that the accident could have
23 been avoided had you been able to drop the starboard
24 anchor?

25 A. Well, it is hard to say. She is a big
26 ship, and the holding ground there is mud, and it is
27 quite easy to drag an anchor.

28 Q. What was your speed then?

29 A. Approximately two knots.

30 Q. Is that normal, to approach a pier at



1 two knots?

2 A. I would say so, yes sir.

3 Q. Was she loaded?

4 A. No sir, she was light.

5 Q. Do you recall her tonnage?

6 A. Approximately four thousand tons.

7 Q. Are there any other accidents which you
8 can recall?

9 A. Of course, there is every once and a while
10 the wharf gets broken. Is that what you mean?

11 Q. Yes, hitting the dock is one example. It
12 happens?

13 A. Yes sir.

14 Q. Does it happen very often?

15 A. Not too often, no.

16 Q. Does it happen when a pilot is aboard?

17 A. Sometimes.

18 Q. How many times roughly, was it last year?

19 A. That is twice I have been aboard of a
20 ship that has had an accident. We had an accident in
21 the "Margaret Bowater".

22 Q. When was that?

23 A. That was approximately four or five years
24 ago.

25 Q. Let's limit ourselves to the last three
26 years. You said that you had one three years ago?

27 A. Yes sir.

28 Q. During those three years, during the last three
29 years, have you had any accidents?

30 A. That is the only one sir.



1 Q. That is the only one within the last
2 three years?

3 A. Yes sir.

4 Q. How many ships would you handle in one
5 year?

6 A. Last year, now I just forget how many
7 times it was, something like 500 trips.

8 COMMISSIONER SMITH: It says here that over
9 the past three years an average of 678 vessels per year
10 have entered this District.

11 THE WITNESS: Yes sir.

12 Q. Before becoming a pilot had you ever had
13 the occasion to handle large ships, that is ships of
14 a thousand tons and over?

15 A. No sir.

16 Q. Never?

17 A. Never.

18 Q. Did you serve any apprenticeship as
19 regards handling ships?

20 A. No sir.

21 Q. On your first job was the old pilot with
22 you? Your predecessor, was he with you?

23 A. No sir.

24 Q. You did the job alone?

25 A. Yes sir.

26 Q. Had you told the master then that you
27 had no experience handling large ships?

28 A. No sir. He didn't ask me, and I didn't
29 tell him.

30 Q. Did you have any difficulties?



1 A. No sir.

2 Q. How many years had you been a pilot before
3 you had your first accident docking ships?

4 A. Approximately five and a half.

5 Q. Five and a half years?

6 A. Yes sir.

7 Q. Did you find that it was a major problem,
8 this handling ships alongside?

9 A. No sir.

10 Q. What is the length of notice which you
11 normally require from ships who want to use your
12 services?

13 A. What I want?

14 Q. What notice you want before you board a
15 ship?

16 A. Well, half an hour sir. If there is a
17 ship like going out, if there is a ship going out I
18 tell them to give me half an hour's notice.

19 Q. And coming in?

20 A. Well, coming in, sir, usually I get an
21 E.T.A., probably two, three, four hours ahead of time.

22 Q. Do you wait until you see the ship before
23 you go out with the pilot boat, or do you go out and
24 wait?

25 A. Not necessarily sir. Sometimes we do
26 wait until we see the ship coming. Some more times
27 we go out and wait.

28 Q. Would the weather have any effect on
29 your choice?

30 A. Yes sir. If it is foggy, well we go out



1 and wait, or I go aboard the ship and talk to them
2 by radio telephone. If it is fine, sometimes I stay
3 home and wait until I see the ship coming.

4 Q. Is pilotage your only occupation?

5 A. Yes sir.

6 Q. You don't do anything else?

7 A. No sir.

8 Q. I mean to earn a living?

9 A. No sir.

10 Q. When you are aboard the ship, exactly
11 what do you do?

12 A. Well, the first thing I try and find out
13 some information about the ship with regards to screw,
14 righthand or lefthand, type of engines, steam up and
15 down, turbine or diesel. If I want slow ahead, port,
16 starboard, steady.

17 Q. And to whom do you give these instructions?

18 A. To the wheelsman.

19 Q. And to whoever is handling the telegraph?

20 A. Yes sir.

21 Q. Does it happen that a master will take
22 his ship away from you?

23 A. It never did yet sir.

24 Q. It has never happened?

25 A. No sir.

26 Q. The procedure which you have just outlined,
27 that you give the orders direct to the wheelsman and to
28 the master, does that apply every time you do a job?

29 A. Every time sir.

30 Q. When you are taking ships in or out is the



1 master usually on the bridge?

2 A. Yes sir.

3 Q. Do you take a vacation during the year?

4 A. No sir.

5 Q. You don't?

6 A. No sir.

7 Q. How many days a week do you work?

8 A. Well, it depends on shipping.

9 Q. Say the busiest month?

10 A. Probably 30 days a month, 25 days a month.

11 Q. And during your busiest month how many
12 times a day or jobs a day, would you do?

13 A. Well, we have had as many as six ships
14 in one day. That is six sailing and six out.

15 Q. That was twelve jobs altogether in the
16 one day?

17 A. Yes sir, and probably three or four
18 moves.

19 Q. That was your busiest day?

20 A. Yes sir.

21 Q. How many times does that happen in one
22 year?

23 A. Not very often sir.

24 Q. How many times in one year?

25 A. Well, that is the first time that that
26 happened in one year. It was the year before last,
27 1961.

28 Q. What is the next highest number of jobs
29 that you have done?

30 A. Probably three, four.



1 Q. Jobs a day?

2 A. Yes sir, three ins and three outs.

3 Q. So six jobs would be approximately the
4 maximum that you have in one day?

5 A. Yes sir.

6 Q. What are the busiest months?

7 A. February, March, April and May.

8 Q. So you are in your busy month now?

9 A. Yes.

10 Q. How many jobs did you do today?

11 A. One sir.

12 Q. And yesterday?

13 A. I did two.

14 Q. And what is the least busy month?

15 A. Well, January, of course it depends on
16 the winter time. If there is two months ice in the
17 March month -- you see, in March month of the year
18 before last we had approximately 34, 30 foreign draggers
19 in. This year we have only had three.

20 Q. Is that the bulk of your shipping, these
21 foreign draggers?

22 A. No sir.

23 Q. What is the bulk of your jobs?

24 A. Well, the years that the Bowater Company
25 ships paper to Port aux Basques, and oil tankers, and
26 C.N.R. chartered vessels.

27 Q. They are your biggest?

28 A. Yes.

29 Q. What about if you were to fall sick
30 tomorrow, who would take your place?



1 A. They would probably appoint another
2 man. I have got no idea sir.

3 Q. Look, I have difficulty in understanding
4 that. You have been a pilot since 1954, and you say
5 that you don't take vacations?

6 A. I have had vacation. For two years there
7 was two pilots, and the old man, he died.

8 Q. When?

9 A. Three years ago in January, and I have
10 been alone since.

11 Q. You have been alone since three years?

12 A. Yes sir.

13 MR. JACQUES: Does the Commission have any
14 questions?

15 THE CHAIRMAN: I understand that you are
16 still two pilots now?

17 THE WITNESS: No sir, one.

18 THE CHAIRMAN: You were three pilots before?

19 THE WITNESS: Two sir.

20 THE CHAIRMAN: The boatman you have with you,
21 is he also doing piloting?

22 THE WITNESS: No sir.

23 THE CHAIRMAN: You are the only one?

24 THE WITNESS: I am the only one sir.

25 MR. JACQUES: As regards the frequency of
26 trips and peak months and least busy months, I think that
27 we can obtain that with some accuracy from the records
28 which the pilot will send to Ottawa.

29 THE CHAIRMAN: Yes, it is shown too.
30



HENRY DOLOMOUNT, Sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Would you state your full name, please?

A. Henry Dolomount.

Q. And how old are you?

A. I am 55.

Q. What is your occupation?

A. Supervising Principal of Schools.

Q. Where, sir?

A. Port aux Basques.

Q. I take it you are also the Secretary-Treasurer of the Pilotage Commissioners for Port aux Basques?

A. Correct.

Q. How long have you held that office?

A. Since 1953, January 16th I was appointed.

Q. Would you describe briefly your work as Secretary-Treasurer to the Commission? What are your responsibilities, what are your duties?

A. I look out to the account and I pay the pilot -- we only have one now -- twice monthly, and the boatman twice monthly, and I keep minutes of the meetings.

Q. You have mentioned accounts. Have you brought your accounts with you?

A. Yes, what I was asked for.

THE CHAIRMAN: Would you like an adjournment for a few minutes?

MR. JACQUES: I would very much appreciate



1 it, sir.

2 THE CHAIRMAN: Very well, we will adjourn
3 for a few minutes.

4
5 ---SHORT RECESS:

6
7 MR. JACQUES: At this point, sir, I should
8 like to file in a bundle the annual reports of the
9 Port aux Basques Pilotage Commission for 1958 to 1962,
10 inclusive, as Exhibit No.?

11 THE SECRETARY: 276.

12
13 ---EXHIBIT NO. 276: Annual reports of the
14 Port aux Basques Pilotage
15 Commission for 1958 to
16 1962, inclusive.

17 MR. JACQUES: Unfortunately, there is only
18 one copy. I realize it will make it very difficult to
19 follow the examination.

20 Q. Would you first explain, sir, for 1958
21 what information appears on your report?

22 THE CHAIRMAN: Excuse me, before you put a
23 question, would you show me the document and we will
24 glance through it so that we will know better what it
25 is about.

26 COMMISSIONER SMITH: What is the title, what
27 is the heading there?

28 MR. JACQUES: The annual report of the Port
29 aux Basques Pilotage Commission from 1958 to 1962,
30 inclusive.



1 Q. Would you state briefly what information
2 is supplied in your 1958 report, sir?

3 A. We have a balance on January the 1st
4 of \$6,465.91.

5 Q. Yes?

6 A. That was our balance in the savings
7 account, where I had this one here. In 1958 we had
8 no regular reports, no forms, and then I had a letter
9 from Captain Slocombe asking me to send a report in
10 for 1958-59, and this is what I sent in.

11 The balance in the current account at the
12 same date, January 1st, 1958, was \$1,367.39.

13 Q. Would you now explain to the Commission
14 why you have two separate accounts, one savings and
15 one current?

16 A. When we started we had no boat, so we
17 bought a pilot boat.

18 Q. Excuse me, when was that?

19 A. 1953 we started, and I think it was 1955
20 that we purchased. We started in 1954 to get a boat
21 built. Then instead of having the boat insured we
22 decided to save so much each year towards the purchase
23 of a new boat.

24 Q. In 1953 you took office?

25 A. Yes.

26 Q. A pilotage system existed at that time?

27 A. We were appointed, and I had never been
28 with it before that.

29 Q. There hadn't been a pilotage system?

30 A. There had been, but there were no funds.



1 Q. When you were appointed were you
2 appointed Secretary-Treasurer?

3 A. Yes.

4 Q. And at that time were there any funds
5 in the hands of anyone available to the Pilotage
6 Commission?

7 A. No.

8 Q. No funds?

9 A. None at all.

10 Q. There was no boat?

11 A. No boat.

12 Q. Did the shed on the wharf at the station
13 exist at that time?

14 A. No, there was no wharf, no shed.

15 Q. You had absolutely nothing?

16 A. Absolutely nothing.

17 Q. I understand that you saved money?

18 A. That is right, we saved money.

19 Q. From 1953 on?

20 A. We paid for this boat, you see. We
21 had the boat built and then we gradually paid for it.

22 Q. It was built on credit?

23 A. Well, more or less, yes.

24 Q. In 1953 you started operations. Do you
25 recall if at the end of 1953 you had any money in the
26 bank anywhere?

27 A. Oh, yes, I think we had some at the
28 end of 1953. Yes, we would have some at the end of
29 1953.

30 Q. Why had you saved that money?



1 A. Well, in our rules and regulations
2 we have there, we paid the pilots and then we kept a
3 certain amount for operating costs. Then we figured
4 we couldn't do without a pilot boat, so we gradually
5 built a pilot boat. So the pilot boat didn't cost so
6 much, and later on we got wireless, ship to shore.

7 Q. In 1953 you say you saved money under
8 your by-law which allows you to keep a working capital,
9 as it were?

10 A. Yes.

11 Q. Is that correct?

12 A. Yes, that is what we understood.

13 Q. And in 1954 you decided to have a pilot
14 boat built?

15 A. Yes.

16 Q. And I take it a contract was let out?

17 A. First we had a pilot boat hired and we
18 paid \$50.00 a month hire, and it was not a very suitable
19 boat.

20 Q. But in 1954 you decided to build a
21 pilot boat?

22 A. Yes.

23 Q. And how did you proceed?

24 A. We asked Farow to build a boat for us.

25 Q. How did you finance it?

26 A. We financed it from monies we saved for
27 piloting ships.

28 Q. How much was the boat?

29 A. I don't know the cost of that boat now.
30



1 Q. Approximately? \$15,000.00 or \$20,000.00?

2 A. Oh, no. Maybe you will ask the Chairman.

3 Q. All right, we will ask the Chairman.

4 A. I may be wrong, but no more than \$600.00
5 or \$700.00.

6 Q. \$600.00 or \$700.00?

7 A. That is right.

8 Q. I can see why we don't understand each
9 other, because so far we have been dealing with pilot
10 boats costing in the vicinity of \$15,000.00, and I
11 was just wondering why you financed this boat.

12 To come back to your 1958 report, the figure
13 which is stated in your savings accounts, \$6,465.00,
14 what is that? What is the purpose of that sum?

15 A. The purpose of that sum is to --
16 Well, when the boat wears out so that we can get
17 another one.

18 Q. It doesn't serve any other purpose?

19 A. No.

20 Q. It is in the bank?

21 A. Yes.

22 Q. Does it bear interest?

23 A. Yes.

24 Q. Would the interest be included in your
25 1958 figure?

26 A. Yes, I imagine it is included there.

27 Q. You wouldn't pass the interest into your
28 revenues?

29 A. No.

30 Q. It would be left there?



1 A. Yes, it would be left there.

2 Q. And do you put money into that fund
3 every year?

4 A. Yes, regularly.

5 Q. Do you always put the same amount into
6 it every year?

7 A. Not, the same amount.

8 Q. Who decides how much shall be deposited
9 each year?

10 A. The Commission decides.

11 Q. Oh what is the decision based?

12 A. Well, we talk it over and we decide
13 how much we will put in. For example, we have now
14 \$22,000.00 in that savings account.

15 Q. Is your decision dependent upon the
16 amount of money which you took in during the year?

17 A. Partly so, yes.

18 Q. And is it dependent also upon the
19 expected revenues for the following year?

20 A. Yes. Well, revenues do not vary very
21 much from year to year.

22 Q. So this money is there and it is not
23 touched for any other purpose at all?

24 A. No.

25 Q. It is kept there to replace the boat?

26 A. Yes. Well, I suppose if we needed it
27 for repair to the boat or if anything happened to the
28 engine or anything, well, it is not infallible, we could
29 draw it out.

30 Q. How long do you expect your present



1 boat to last?

2 A. I heard the boatman say the other day
3 another five or six years. I wouldn't know. But it
4 is rough on a pilot boat.

5 Q. Now, sir, as regards your current account,
6 there was in 1958 the sum of \$1,367.00. Would that be
7 your working capital or the fund which is referred to
8 in the by-law as safe operating capital?

9 A. Yes, plus the amount we have in the
10 savings account. But if we should lose that we would
11 need what was in the savings account for safe operating
12 capital.

13 COMMISSIONER SMITH: For replacement.

14 THE WITNESS: Yes, for replacement.

15 Q. Now, the following item is income,
16 pilotage. I don't think that needs explanation at this
17 point.

18 Then you have wages, other expenses and
19 balance savings account December 31st and balance
20 current account December 31st also; is that correct?

21 A. Yes.

22 Q. The wages for 1958 were the wages given
23 to whom?

24 A. The pilot and the boatman.

25 Q. Now, as regards the other annual reports,
26 would the information be the same, approximately?

27 A. Yes, approximately the same.

28 Q. The same headings?

29 A. Yes, the same headings.

30 Q. The figures would vary, of course?



1 A. Yes.

2 Q. Now, I am afraid your 1962 report
3 doesn't show your bank balances, unless I am very
4 much mistaken. Would you look at it?

5 A. You see, the first thing that is here
6 is different. This is just asking for revenue, isn't
7 it?

8 Q. Yes.

9 A. Whereas on this one here it is detailed.

10 Q. Could you supply this information to the
11 Commission now as regards the 31st of December, 1962,
12 what you had in your savings account and your current
13 account?

14 A. Yes. That is on these documents there.

15 THE CHAIRMAN: You may file them.

16 THE WITNESS: All these forms differ from
17 year to year. We had a form for 1960 and we were told
18 to destroy those, and then there was a different one for
19 1962.

20 THE CHAIRMAN: The one you are talking about
21 for 1962 is the normal pilotage district annual report
22 required by the Department of Transport.

23 THE WITNESS: Yes, that is right, sir.

24 THE CHAIRMAN: So you will file them now.

25 MR. JACQUES: I am going to file them now,
26 sir.

27 I would like now to file a statement of
28 revenues and expenditures and earnings for the year
29 1961 and for the year 1962 in a bundle as Exhibit No.?

30 THE SECRETARY: 277.



1 ---EXHIBIT NO. 277:

Statement of revenues
and expenditures and
earnings for the year
1961 and for the year
1962, Port aux Basques
Pilotage Commission.

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6 Q. From Exhibit 277 would you state to the
7 Commission what is the present financial position of
8 your District, sir?

9 A. At January 1st, 1962, the balance in the
10 current account was \$1,767.48. The income from pilotage
11 was \$32,438.70, and commission on pilotage, 15 per cent
12 commission, \$4,841.68, which made a total of \$39,047.86.

13 Q. Would you explain that commission on
14 pilotage?

15 A. It is 15 per cent commission, according
16 to our by-laws that we charge.

17 COMMISSIONER SMITH: I notice in one of the
18 years that there is reference to a bonus, 1960, I think
19 it was?

20 THE WITNESS: Yes, we pay our pilots a bonus
21 at the end of the year. We pay them a bi-monthly
22 salary, and at the end of the year we pay them a bonus,
23 and the money that is left over, we decide at the meeting
24 how much we will give them.

25 COMMISSIONER SMITH: Leaving enough balance
26 to look after your future needs.

27 THE WITNESS: Future needs, yes, sir.

28 Q. How long has this 15 per cent charge been
29 going on?

30 A. Ever since we started, ever since our
by-laws were passed.



1 Q. It is included in your pilotage revenue?

2 A. Yes.

3 Q. This document also gives the expenses?

4 A. Yes.

5 Q. Would you mention those expenses, please?

6 A. The salary to the pilot was \$15,503.20;

7 to the boatman, \$766.88; salary to the Secretary was

8 5 per cent, which was \$1,864.00.

9 Q. This five per cent which you have
10 calculated, did you calculate it on the income from
11 pilotage plus commission on pilotage only?

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1 A. Yes, we had Captain Seeley was down,
2 and he ---

3 Q. Where did he come from?

4 A. From Ottawa. He came from Ottawa, and
5 he had a new set of by-laws in conjunction with us, and
6 he asked for our approval, and we approved it, and he
7 recommended 5% to the Secretary, and we went along with
8 that, and we did that this year.

9 COMMISSIONER RENWICK: Could I ask when that
10 would be?

11 THE WITNESS: Some time last year. He was
12 down in the fall I think.

13 COMMISSIONER RENWICK: It was within the last
14 year?

15 THE WITNESS: I think it was 1962, yes.

16 Q. And this was the first year that your
17 salary was 5% of the gross revenue?

18 A. Yes. That is right. First of all it
19 was \$25.00 a month. Then we put it up to \$50.00. Then
20 to a hundred dollars a month.

21 Q. And that was a decision of the Commission?

22 A. That is right.

23 Q. Are these decisions recorded in the
24 minutes of the Commission?

25 A. Yes.

26 Q. Now, before we go on, would you carry
27 on with the expenses?

28 A. Now, the maintenance consists of the
29 annual overhaul of the pilot boat. We either put it on
30 the slip at North Sydney, or St. Pierre. Then there is



1 the overhaul of the engine, and the fuel. We have an
2 oil stove in here. And rent, lights. We have lights
3 in the shed, and the radio. These things give out very
4 often in a pilot boat, you know, where there is so much
5 salt water, and then there is the general upkeep of the
6 wharf and the shed. That is what the maintenance
7 consists of. It came to \$6,440.14.

8 Q. Would your books show the breakdown of
9 that figure?

10 A. No, it wouldn't show it, not exactly
11 like that. It would show maybe oil, but you see, there
12 is so many things that you buy at a hardware store where
13 you don't keep a detailed account. You have the bill,
14 and you pay it by cheque you see.

15 Q. Do you have a ledger, and do you make
16 entries in that ledger?

17 A. Yes, but it is paid to a service station,
18 you know. Well, that may be a part for an engine. They
19 don't put the details in.

20 Q. So if it is paid to a service station we
21 wouldn't be able to tell whether it is a service station
22 repairing your car or repairing the pilot boat. Is that
23 it? I am not implying that you do that.

24 A. No, but the cheque is made out and
25 signed Pilotage Commission, you know.

26 Q. Yes, but how do you unravel all this
27 at the end of the year? Are the expenses, or expenditures,
28 in connection with the pilot boat and the pilot station
29 only?

30 A. Yes.



1 Q. How about stationery, and that sort of
2 thing?

3 A. That is all included.

4 Q. Telephone, stamps?

5 A. Yes, everything is included.

6 Q. Are these cheques drawn on your current
7 account?

8 A. Yes, they are drawn on the current account.

9 Q. The cheques are returned to you?

10 A. That is right.

11 Q. Are these various statements which have
12 been filed as Exhibit 266 and Exhibit 267 ever audited
13 by an accountant?

14 A. No.

15 Q. Never?

16 A. No, only the Commission. You know, we
17 do our own auditing.

18 Q. You do your own auditing?

19 A. Yes.

20 Q. How far back do your books go?

21 A. I suppose we have them right back to the
22 beginning of 1953.

23 Q. Could you from those books give us a
24 breakdown of the operation of the pilot boat, how much
25 it costs in oil and repairs to machinery, purchase of
26 equipment, annual overhaul?

27 A. Yes, more or less, but I couldn't get
28 it exact. You take last year. I know that one bill
29 was over \$1,300. from, you know, North Sydney, just to
30 put the boat on dock and to have it cleaned, and it had



1 a bumper put on it. The year before the stem was broken,
2 and we had to take it back to the people who built it
3 and have a stem put in and a plank put in. It varies
4 from year to year.

5 Q. When you have such bills, say \$1,300,
6 does anyone check to see if the work listed in the bill
7 has been done?

8 A. Oh, yes, the boatman was there all the
9 time.

10 Q. The boatman takes the boat over to
11 Sydney and stays there?

12 A. Yes.

13 Q. Does he always stay with the boat whenever
14 repairs are done?

15 A. Yes.

16 Q. Does he certify that the work has been
17 done, where, and how?

18 A. He certifies the bills, that they are
19 correct.

20 Q. Before they are sent to you, or after,
21 when you see him?

22 A. Well, he is there and sees everything
23 done, and he also sees the bills.

24 Q. And who sends the bill to you?

25 A. The North Sydney Marine Railway.

26 Q. Does it bear the signature of your
27 boatman?

28 A. Well, sometimes. Not always.

29 Q. What about this \$1,300 dollar bill there?
30 Did it bear the signature of the boatman when you received



1 it?

2 A. Well, it is an itemized account, you know,
3 everything is there. We know what has been done.

4 Q. But if it is checked, and if so by whom?
5 You see, I can go to the garage and they can say we have
6 changed a spark plug, and I don't know. I don't go around
7 looking to see if they have changed a spark plug.

8 A. He is there all the time, the boatman,
9 he knows what has been done.

10 Q. Yes, I am sure he does, but has he been
11 asked to check and see if the repairs have been done,
12 or if the bill sent to the Commission corresponds to the
13 work which has been done on the ship?

14 A. Yes, I would say yes. I would say that
15 he knows what has been done.

16 Q. Yes, but has he been asked to do that?

17 A. Well, I think that is more or less taken
18 for granted. Well, he is the boatman, and the pilot,
19 and they know that these moneys are their own, outside
20 of the safe operating cost. They quite agree with that,
21 getting the boat repaired, and they are more interested,
22 or as much interested, as anyone. I am sure if they
23 thought that there was anything charged not done, that
24 they would lodge a complaint very quickly.

25 Q. Because it would be taken out of their
26 pocket, is that right?

27 A. That is right.

28 COMMISSIONER SMITH: I would like to ask this
29 witness how many hours a day on an average would the
30 boatman work. Would you know, or should I ask that



1 question of somebody else?

2 THE WITNESS: Well, maybe you should ask the
3 Chairman, but since now we only just have one boatman
4 he is more or less on duty all the time. At any time
5 he may be called, but he might not be actually working.

6 COMMISSIONER SMITH: He has to hold himself
7 in readiness 24 hours a day, is that the position?

8 THE WITNESS: That is right sir, yes.

9 Q. To the best of your knowledge, this
10 boatman only works when the pilot works?

11 A. A little more than that. He keeps that
12 boat clean, and he looks out for the engine.

13 Q. How many hours a week would you say he
14 would spend merely looking after the boat?

15 A. I don't know. I couldn't answer that.
16 Like I say, he must always be ready. He is always on
17 call.

18 Q. Does he do anything else, apart from
19 looking after the pilot boat and handling her?

20 A. No, that is all.

21 Q. He does not?

22 A. No.

23 Q. Was this shed purchased outright by the
24 Commission?

25 A. No, we got it built. We bought the
26 lumber from a building company, and we had it built.

27 Q. When was that sir?

28 A. About four years ago.

29 Q. Did you obtain a lease of the land on
30 which it is built, or any permission to build it where it



1 is now?

2 A. Yes, we got permission from Dr. Legrow.
3 It is on his land.

4 Q. Was there any remuneration paid to Dr.
5 Legrow for that?

6 A. Yes, we pay him \$1,200 a year for it.
7 It goes through his land you see, to get on it.

8 Q. But it is built on a dock I understand?

9 A. The shed, yes, but I mean you have got
10 to go through his land, through his yard, to get to the
11 shed.

12 Q. But the shed is built on a dock, is that
13 it, or on the shore?

14 A. On a wharf, yes.

15 Q. Who owns the wharf?

16 A. The Pilotage Commission. It is not a
17 very big wharf you know.

18 Q. No, I am just wanting to find out. And
19 the wharf, of course, is built on a beach lot I suppose.
20 Do you know if this beach lot belongs to Dr. Legrow or
21 to the Crown?

22 A. I thought it belonged to Dr. Legrow, as
23 far as I know.

24 Q. So you have his permission, well, in
25 fact there is a contract between the Commission and the
26 doctor for the use of his land, and to build a dock and
27 a shed on the dock. Is that it?

28 A. That is right.

29 Q. Was the dock built at the same time as
30 the shed?



1 A. Yes, they were built together.

2 Q. Four years ago you say?

3 A. Yes.

4 Q. In 1959?

5 A. Yes.

6 Q. What prompted the Commission to have
7 this wharf and shed built?

8 A. We had no place to put the boat.

9 Q. That is the only reason?

10 A. Yes, and you want a shed, because there
11 is so many things that you have around belonging to the
12 boat. And there is nowhere to put them, to store any-
13 thing.

14 Q. To the best of your knowledge, are all
15 the docks in Port aux Basques public docks or private
16 docks?

17 A. There is C.N.R. docks. Outside of that
18 there is a government wharf, and there is T.J. Hardys.

19 Q. For last year how much did you pay to the
20 pilots as salary, not as a total, but as a monthly or
21 bi-monthly salary?

22 A. Since 1962 we started with \$400 a month,
23 and then we increased it to \$500.

24 Q. In what month did you increase it to
25 \$500?

26 A. In February.

27 Q. Of last year?

28 A. Of last year.

29 Q. So he was paid \$500 a month as of
30 February, and \$400 for the month of January?



1 A. That is right.

2 Q. And the boatman, how much was he paid?

3 A. \$450.

4 Q. Throughout the year?

5 A. No. First he was paid that you see.

6 Q. What was that?

7 A. First he was paid \$175 for two weeks.

8 Then we gave him a bonus in February here you see, and
9 then the rest of the year, \$500 a month. You see, we
10 had two pilots for several years.

11 Q. Would you explain the contents of this
12 book to the Commission please, starting say from the
13 last entries?

14 A. You see, I keep a payroll. This is the
15 pilot Alan Milburne, January the 15th I paid him \$250;
16 January the 30th his cheque was \$191.07. There was
17 \$4.08 unemployment insurance stamp, \$9.85 for annuity,
18 \$45.00 income tax, which made the total of \$250. That
19 is the same in February, March and April.

20 For the boatman, January the 15th, \$225;
21 January the 30th, \$158.67, unemployment insurance stamps,
22 \$4.08, annuity, \$17.25, and income tax \$45.00, which
23 makes it \$225.00.

24 Q. Would the information be similar for the
25 preceding years in that book?

26 A. That is right, yes, except at the end
27 of the year when we paid the bonus, you know.

28 Q. And the bonus would also be entered in
29 that book?

30 A. Yes, and that would be the total salary.



1 Q. For any one year?

2 A. For any one year.

3 Q. Would you explain to the Commission this
4 business of unemployment insurance? Your pilot is
5 under unemployment insurance?

6 A. That is right, and the boatman.

7 Q. Do you have in your file any correspondence
8 on that subject, unemployment insurance?

9 A. Well, we just kept the books, and we
10 had a letter now, just as I left, to send the books in.

11 Q. Did you have any difficulties in getting
12 your men under unemployment insurance?

13 A. As a matter of fact they asked us, as
14 far as I know, to go under unemployment insurance.

15 THE CHAIRMAN: That was not in writing, the
16 asking?

17 THE WITNESS: Yes, I think it was in writing.
18 Otherwise I don't know, because they were not interested
19 in that.

20 THE CHAIRMAN: Do you have a copy of that
21 letter, or will you have that letter?

22 THE WITNESS: I don't know whether I will have
23 that letter now or not. They have been under unemploy-
24 ment insurance ever since they started.

25 Q. Well, it may come as a shock to you, but
26 some of the other Districts have been refused unemploy-
27 ment insurance for pilots, and quite bluntly.

28 A. We have to pay it. If any time -- I get
29 at least two letters a year requesting that "We see you
30 have not bought stamps for a certain length of time", and



1 the reason why.

2 Q. Would you now explain to the Commission
3 what is this annuity which is mentioned in your payroll
4 account?

5 A. Annuity, we decided to take out an
6 annuity for our pilots. We had two, a pilot and a
7 boatman.

8 Q. When was that?

9 A. I think I can tell you right here when
10 we paid the first one. We started in 1956, in October
11 1956, and I think we paid for the full year. We pay
12 according to the government annuity. We took out the
13 same for each one, but because the boatman was older
14 he has to pay more. The Commission pay half and half
15 is taken out of their cheque.

16 Q. Yes, carry on, you are doing well.

17 A. Well, there are their receipts as at
18 the end of the year, \$24,483.23.

19 Q. This is a Canadian Government annuity?

20 A. Yes. It is a sort of retirement-saving
21 plan.

22 Q. Do you know what benefits your men would
23 derive from that?

24 A. I think they get \$100 a month when they
25 are 65.

26 Q. Now, there is also an entry on income
27 tax in your payroll account. Why have you got such an
28 entry?

29 A. Well, you have to deduct income tax at
30 source, so we deduct it.



1 Q. And this is the deduction which you make?

2 A. Yes.

3 Q. So you prepare a T-4 slip, I imagine,
4 for your men?

5 A. Yes.

6 Q. And you list the Commission as the
7 employer?

8 A. Yes.

9 Q. And the pilot as employee?

10 A. Yes.

11 Q. And the boatman as an employee also?

12 A. Yes.

13 Q. Does the pilot fill out a form requesting
14 you to take out certain of his basic exemptions, for
15 instance?

16 A. Yes.

17 Q. Does he fill out such a form?

18 A. Yes.

19 Q. Telling you whether he is married, and
20 so on?

21 A. Yes.

22 Q. Does the boatman fill out the same form?

23 A. Yes.

24 Q. For how many years have you done that?

25 A. Since ever we started.

26 Q. Since 1953?

27 A. Yes.

28 Q. Do you do the collecting of all the
29 dues for the Commission?

30 A. No. The pilot may collect some.



1 Q. And do you collect some too?

2 A. Yes. Well, if it is a cheque, if it is
3 paid by cheque it comes direct to me, because I make out
4 the bills. It is one pilotage, and the pilot brings
5 the money to me.

6 Q. Are all cheques and money deposited in
7 the one account?

8 A. That is right, yes.

9 Q. Who checks whether the proper amount of
10 pilotage has been charged to a ship?

11 A. I make out the bills, according to the
12 tariff, the schedule.

13 Q. Yes, and who supplies you with the
14 information as to tonnage?

15 A. The captain of the ship, or I may get
16 it from the customs. But usually the master of the
17 ship tells you.

18 Q. Does he tell that to you or the pilot?

19 A. To me or the pilot.

20 Q. Do you check as to whether the captain
21 has given you the right tonnage?

22 A. Yes.

23 Q. With whom do you check?

24 A. The customs.

25 Q. The customs people?

26 A. Yes.

27 Q. Do you have any difficulty in collecting
28 dues?

29 A. No.

30 Q. None at all?



1 A. None at all.

2 Q. Have you ever lost any dues?

3 A. No, I don't think so.

4 Q. Apart from this annuity system, is there
5 any other welfare plan or pension plan or anything of the
6 like?

7 A. We pay Workmen's Compensation. That is
8 a provincial thing.

9 Q. Yes, I realize that. How long have you
10 been doing that?

11 A. Ever since we started.

12 Q. And are you listed as an employer with
13 the Workmen's Compensation and your pilot as an employee?

14 A. Yes.

15 Q. Has this ever been questioned by anyone?

16 A. No.

17 Q. Never?

18 A. No.

19 Q. I show you a by-law which purports to be
20 the Port aux Basques by-law. Would you look at it and
21 tell me whether that is the applicable by-law?

22 A. Yes.

23 Q. Would you tell me when it has been
24 adopted by your Commission? Do you recall?

25 A. Yes, we adopted it in 1953.

26 Q. 1953?

27 A. Yes.

28 Q. Do you know if it has been sanctioned
29 by the Governor-General-in-Council?

30 A. Yes, as far as I know.



1 Q. Have you any documents in that respect?

2 A. We were appointed by orders-in-council
3 as commissioners for the Pilotage Commission.

4 Q. Was this by-law ever submitted to Ottawa?

5 A. Oh, yes, it was submitted to Ottawa.

6 MR. JACQUES: We will file it and check
7 with Ottawa when it has been approved by Order-in-Council.
8 We will file it as Exhibit No. ?

9 THE SECRETARY: 278.

10 MR. JACQUES: The general by-law of the
11 Pilotage Commissioners for Port aux Basques.

12
13 ---EXHIBIT NO. 278: General By-law of the
14 Pilotage Commissioners
15 for Port aux Basques.

16 Q. And you talked also of another set of
17 by-laws that were sent to you from Ottawa?

18 A. Yes, that is right, Captain Seeley.

19 THE CHAIRMAN: And you looked them over
20 and you studied them and you approved them?

21 THE WITNESS: That is right, sir.

22 THE CHAIRMAN: And your approval was
23 sent to Ottawa?

24 THE WITNESS: That is right.

25 THE CHAIRMAN: Were they approved by
26 Order-in-Council?

27 THE WITNESS: Not so far.

28 THE CHAIRMAN: And it was according to
29 those new by-laws that the 5% was put into effect?

30 THE WITNESS: That is right, yes.



1 THE CHAIRMAN: Now, could we have, Mr.
2 Counsel, a copy of that draft by-law?

3 MR. JACQUES: We will try to obtain one
4 from Ottawa, sir.

5 Q. Would you have a copy here of that
6 draft?

7 A. No.

8 Q. It was sent back to Ottawa?

9 A. Yes, it was sent back to Ottawa.

10 Q. Did you keep a copy?

11 A. No, it was sent for us to sign, and we
12 sent it back.

13 THE CHAIRMAN: So this will be obtained from
14 Ottawa.

15 Q. Now, sir, would you send to Ottawa your
16 minute book or file the minutes of the Commission?

17 A. Yes.

18 Q. For the past five years, and also your
19 account books for the past five years?

20 A. Yes.

21 Q. And your pilot has been requested to
22 supply other statistical information on ships?

23 A. Yes.

24 Q. Have you got a written agreement with
25 Dr. Legrow with regards to the use of his land?

26 A. I don't think we have. I am not sure
27 of that.

28 Q. Would you look through your file and
29 see if there is one?

30 A. Yes.



1 Q. And if you find one would you send it
2 to the Royal Commission in Ottawa?

3 A. Yes.

4 MR. JACQUES: Sir, I have no further
5 questions.

6 THE CHAIRMAN: In your financial report
7 which you sent to Ottawa in 1962, I see on page 1 here
8 that the number of pilots on strength you show as two,
9 and on this page here for pilots on strength you have
10 two pilots, but I think one is a boatman.

11 THE WITNESS: Yes, that is a mistake.
12 It is one pilot.

13 THE CHAIRMAN: In 1961 you show two,
14 but really it was one there, too? It was one in 1961, and
15 it was in 1960 that it was two?

16 THE WITNESS: Yes, in 1960 it was two.

17 THE CHAIRMAN: So the boatman was always
18 included as a pilot in that return?

19 THE WITNESS: Yes. That is a mistake.

20 MR. JACQUES: Would you send your payroll
21 book, if you please, to Ottawa, excluding the year 1963,
22 so that we will have 1962 and back?

23 THE WITNESS: Yes.

24 MR. JACQUES: Thank you, Mr. Dolomount.

25 Mr. Davis, please.
26
27
28
29
30



1 ISAAC ELWYN DAVIS, Sworn

2
3 DIRECT EXAMINATION BY MR. JACQUES:

4 Q. What is your full name, please?

5 A. Isaac Elwyn Davis.

6 Q. What is your occupation?

7 A. Collector of customs.

8 Q. Are you also the chairman of the Port
9 aux Basques Pilotage Commissioners?

10 A. That is correct.

11 Q. For how long have you been Chairman?

12 A. Since its inception in 1952 or 1953.

13 Q. Are you aware of any negotiations which
14 have taken place between the Department of Transport and
15 your Commissioners concerning the application of Part 6
16 of The Canada Shipping Act to your District?

17 A. Yes, sir.

18 Q. Would you tell the Commission about these
19 negotiations?

20 A. I believe I can, but the Member of
21 Parliament, Major C. W. Carter, for all the districts,
22 made the negotiations with Captain Slocombe's department,
23 Chief of the Nautical Division of the Department of
24 Transport, trying to get some legislation through
25 concerning Part 6 of The Canada Shipping Act being written
26 into the terms of the Union. For some reason it wasn't
27 done when there was Confederation. But for some reason
28 this has first got to be passed by the House of Assembly
29 or by the Premier of our Province. That just happened.
30 I don't know why. But as far as I understand from Major



1 Carter, we cannot be written in under Part 6 of The
2 Canada Shipping Act, which is the pilotage by-law.

3 Q. Sir, was your Commission at any time
4 aware of a judgment between Nathan Dyke and the Pilotage
5 Commission for Humber Arm, dated June 28th, 1956?

6 A. We were aware of it from the newspapers.

7 Q. On being aware of that judgment, did you
8 take any steps as regards your by-law?

9 A. Just what part do you refer to, sir.

10 Q. This judgment, among other things, said
11 that the by-laws of the Corner Brook District were ultra
12 vires, Chapter 179, Statutes of Newfoundland, 1916, which
13 was The Outport Pilots and Pilotage Act. When you
14 learned of that judgment did you also learn of what I
15 have just said?

16 A. Port aux Basques was set up in accordance
17 with the Consolidated Statutes of Newfoundland, Chapter
18 179, and our by-laws were exactly the same until Corner
19 Brook had their by-laws approved, and you will note that
20 our by-laws were practically the same. Also written into
21 ours was what little we could get from North Sydney and
22 what we could put into this act from Captain Slocombe's
23 division. We had someone down from the Department of
24 Transport to help us, and then it was turned over to
25 your Justice Department in Ottawa ---

26 Q. Don't say "your" Justice Department, say
27 our Justice Department. When you heard of that Nathan
28 Dyke judgment, did you realize that this judgment had
29 stated that the Corner Brook by-laws were ultra-vires?

30 A. Yes.



1 Q. Had you realized that?

2 A. To some extent, yes.

3 Q. Had you not some thought then about
4 the validity of your by-laws?

5 A. That is the technical point of all this.
6 We had never been straight on it, and, being laymen, we
7 left that entirely to the Department of Transport. If
8 we are wrong, it is not our fault. We acted in good
9 faith; we have sent them whatever documents there were,
10 and this little judgment that was handed down in the
11 Corner Brook case, we tried to keep our house clean and
12 keep it straight. Whatever has happened since is not
13 our fault. If the by-laws are wrong, it is not our
14 fault. We are doing the best we can, with guidance being
15 given from the top.

16 Q. Please don't think that I am blaming you
17 or the Commission is blaming you for having ignored the
18 Nathan Dyke judgment or following the advice of the
19 Department of Transport. We are just asking if the
20 judgment had any consequential effects at all.

21 THE CHAIRMAN: And we don't mention the
22 possibility that the judgment as to the by-laws being
23 ultra vires is right or wrong. It may not have any
24 effect whatsoever.

25 Q. I show you what purports to be a copy
26 of a letter written on the 8th of December, 1955, by the
27 Acting Deputy Attorney-General for Canada to the
28 Comptroller and Secretary of the Department of Transport
29 in Ottawa. This letter refers to The Outport Pilots and
30 Pilotage Act, S.S. "Springdale", Newfoundland, exemption



1 from pilotage dues.

2 Should I read this letter into the record,
3 sir?

4 THE CHAIRMAN: That is all right. Read it to
5 the stenographer.

6 MR. JACQUES: I shall read this letter.

7 "Dear Sir:

8 "With reference to your letter of July
9 "29 last, I have now had an opportunity of
10 "examining the provisions of The Outport Pilots
11 and Pilotage Act, R.S.N. 1952, and the pilotage
12 By-laws for the port of Port aux Basques and the
13 other material which you submitted.

14 "On examining this material, it would
15 appear that the S.S. "Springdale" and other
16 vessels operated by the Canadian National Railways
17 on the coast of Newfoundland became the property
18 of Her Majesty in right of Canada by virtue
19 of sub-paragraph (a) of Term 33 of the Terms
20 of Union and therefore, in my opinion, Her
21 Majesty's ships within the meaning of that
22 term in section 13 of The Outport Pilots and
23 Pilotage Act. Accordingly, without deciding
24 the question as to whether these ships are
25 coasting vessels within the meaning of that
26 term in section 13, it is my opinion that these
27 ships are entirely exempt from the payment of
28 pilotage dues."
29
30



1 Q. Now, sir, I understand that in your
2 District Canadian National Railways ships pay pilotage
3 dues whether they take a pilot or not. Is that correct?

4 A. That is correct.

5 Q. Have you at any time been aware of the
6 opinion expressed in that letter?

7 A. I think I can truthfully say, sir, not
8 the full content of that letter.

9 Q. To what part of the opinion so stated
10 then do you refer?

11 A. We did receive something similar to that
12 letter.

13 Q. From whom?

14 A. From the Department of Transport I take
15 it. You see, my memory is not good.

16 COMMISSIONER SMITH: But you didn't receive
17 an exact copy of that letter which went from the
18 Department of Justice to the Department of Transport?

19 THE WITNESS: No, not to my knowledge.

20 Q. If you have received any letter on that
21 subject, would it still be in your files?

22 A. I should think that Mr. Dolomont would
23 have it.

24 Q. Would you instruct your Secretary to
25 look in his files, and if he finds any correspondence
26 concerning C.N.R. vessels to send it along to Ottawa
27 with the other documents?

28 A. I will.

29 Q. Now sir, as a Commissioner, have you
30 ever had any negotiations with Canadian National Railways



1 as regards the pilotage dues in Port aux Basques?

2 A. Yes.

3 Q. When was that?

4 A. Maybe three years ago. I think it was
5 shortly after Mr. Eli, the present manager arrived.

6 Q. Where did these negotiations take place?

7 A. At the doctor's residence.

8 Q. Who was present there?

9 A. Maybe I am wrong. The doctor's residence,
10 I am not sure where it was.

11 Q. It was in Port aux Basques?

12 A. Yes, with the two commissioners, the
13 Secretary, the doctor, myself and Mr. Eli.

14 Q. He is from the C.N.R.?

15 A. Yes, he is the manager.

16 Q. What was the purport of these negotia-
17 tions?

18 A. It was favourable for us. The thing
19 that they wanted was half pilotage, or something like that,
20 which we agreed on. It was something about ships being
21 operated under the Minister. How does it go? The
22 Honourable Minister of Transport in the Right of Canada.

23 Q. But did this gentleman from Canadian
24 National Railways express the opinion that his company's
25 ships were exempt from pilotage in Port aux Basques?

26 A. Yes.

27 Q. He did?

28 A. Yes, the ones that were on the coast,
29 like running from Argentia to Port aux Basques, and we
30 exempted them completely.



1 Q. He claimed that these were exempt?

2 A. Yes, and we agreed with him.

3 Q. What about the others?

4 A. Well, the pilotage was being collected
5 in North Sydney, and as the Pilotage Commission of Port
6 aux Basques we had the same and full right.

7 COMMISSIONER SMITH: On either side of that
8 question, how many did you exempt, and how many did you
9 collect from, C.N.R. ships calling at Port aux Basques?

10 THE WITNESS: Two, sir. There are two boats
11 which operate what we consider purely coastwise, that is
12 two C.N.R. boats operate from Argentia to Port aux
13 Basques. Ones that came from Port aux Basques, and had
14 to go to North Sydney for any reason whatsoever.

15 COMMISSIONER SMITH: It is outside the province.

16 THE WITNESS: That is right. That was my
17 ruling, because previous to this system being set up,
18 under the old system, before Newfoundland became part
19 of Canada, I was the Commissioner, Secretary and
20 Treasurer, all rolled into one, collecting ---

21 COMMISSIONER SMITH: Two C.N.R. ships called
22 at Port aux Basques, and there was no collection of
23 pilotage dues?

24 THE WITNESS: That is right.

25 COMMISSIONER SMITH: The "Carson", and some
26 other, if there were any others, called there and paid?

27 THE WITNESS: That is right.

28 COMMISSIONER SMITH: How many? The "Carson"
29 and how many others?

30 THE WITNESS: Well, sometimes, sir, there are



1 about five ships, depending on the season. You see,
2 you have the "Burgeo", the "Baccalieu", the "Springdale",
3 the "Northern Ranger", the "Nonio", and whatnot.

4 COMMISSIONER SMITH: Are they all C.N.R., or
5 are some of them chartered?

6 THE WITNESS: They are all ---

7 COMMISSIONER SMITH: C.N.R. owned, are they?

8 THE WITNESS: Yes. I don't know about owner-
9 ship sir. I think they might be owned by the Department
10 of Transport. I don't know who owns them.

11 COMMISSIONER SMITH: Well, I mean they are
12 operated ---

13 THE WITNESS: Operated, that is correct.

14 Q. They fly the C.N.R. colours?

15 A. That is correct.

16 Q. That is how you can tell whether they
17 are C.N.R. ships?

18 A. That is correct.

19 Q. Am I right in assuming that you obtain
20 half pilotage for C.N.R. ships coming from other provinces,
21 because it was paid in North Sydney, is that correct?

22 A. No. It is because of a concession which
23 is written into our by-laws, or in something, half
24 pilotage on C.N.R. ships. This is not written in here
25 sir. It is supposed to be, but it is not in there.

26 Q. It was supposed to be under the exemption
27 clause but it is not?

28 A. Not under exemptions, but under half
29 rate pilotage. It was supposed to be written in.

30 Q. It was supposed to be written in here,



1 after Section 23 of your by-law?

2 A. Yes, right here somewhere. It was
3 written in the ones that I had before I passed it over
4 to Mr. Dolomount, as far as I can recall.

5 Q. The by-law which you had?

6 A. Yes, the Newfoundland ones.

7 Q. And you don't know why it was not
8 included in this by-law, which was produced as Exhibit
9 No. 278?

10 A. No.

11 Q. But you said a moment ago that you had
12 negotiations with C.N.R. vessels, and you claimed that
13 the ships which came from other provinces should pay
14 half pilotage, because North Sydney paid half pilotage?

15 A. No, because North Sydney had a reduction
16 in their rate. Their rate is still quite a bit higher
17 than ours.

18 THE CHAIRMAN: So, in other words you granted
19 them also a reduction. That is what you meant?

20 THE WITNESS: That is correct.

21 MR. JACQUES: I wonder if any of the Members
22 of the Commission for Port aux Basques would like to
23 add anything to what has been said so far as regards pilotage
24 or make any suggestions at all?

25 THE CHAIRMAN: Well, in any event should you
26 think something should be brought to our attention, or
27 some facts that we have missed, or that we have not
28 covered, please let us know, and write us, because we
29 are here just to find the facts, and I have noticed that
30 you are, and some other people are under the impression



1 that we are coming here for the Department of Transport.
2 We are not. We are altogether different than the
3 Department of Transport, and any Department of the
4 Federal Government.

5 We are an independent Royal Commission reporting
6 to the Cabinet, and to the Governor-in-Council, so there-
7 fore we are not doing a job for the Department. We are
8 even going to investigate the Department. So you see
9 it is an altogether different entity, so should you have
10 any further information that you find that might be
11 interesting to us, and to you people also, in order to
12 show the nature of pilotage in your place, it is necessary,
13 or it is a peculiarity, well, let us know.

14 Well, I think we will conclude that for tonight,
15 and we thank you very much, you people from Port aux
16 Basques that have come here. It has helped us a lot,
17 because otherwise we would have been obliged at some
18 other time to come back, and our schedule is quite heavy.

19 Thank you.

20 We will adjourn now until tomorrow morning at
21 ten o'clock to continue with the Corner Brook enquiry.

22
23
24 ---Whereupon the hearing adjourned at 9:35 p.m. until
25 10:00 a.m. on the 7th day of May, 1963.

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

CORNER BROOK
NFLD

VOLUME No.:

25

DATE:

May 7 1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at Corner Brook,
Newfoundland, on the 7th day
of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member

Mr. F.S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. W.J. Smith,	Board of Harbour and Pilotage Commissioners for Humber Arm.
-----------------	--

Also Present:

Capt. J.S. Scott, Nautical Advisor
to the Commission.

Capt. F.S. Slocombe, Department of
Transport and Liaison Officer



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1 ---On resuming at 10:00 a.m. on Tuesday, May 7, 1963.

2

3 MR. JACQUES: With your lordship's permission,
4 I would like to interrupt the Corner Brook hearing and
5 continue with the Botwood hearing which was stopped at
6 Botwood on Saturday afternoon, and I should like you to
7 hear Mr. Antle, the Secretary-Treasurer of the Botwood
8 Pilotage Commission.

9

10 THOMAS WILMOTT ANTLE, sworn

11

12 DIRECT EXAMINATION BY MR. JACQUES:

13

14 Q. What is your full name, sir?

15 A. Thomas Wilmott Antle.

16 Q. What is your age?

17 A. Fifty-two.

18 Q. What is your occupation?

19 A. General Shipping Superintendent, Anglo-
20 Newfoundland Development Company.

21 Q. And are you not the Secretary-Treasurer
22 of the Botwood Pilotage Commission?

23 A. I am.

24 MR. JACQUES: My lord, before filing any by-laws,
25 I should like Mr. Antle to give a brief history of what
26 in his opinion are the applicable by-laws at Botwood.

27 THE WITNESS: Your lordship, I have a copy
28 of the rules and regulations of the Pilotage Board which
29 were drawn up in 1910.

30 The following rates of pilotage have been fixed



1 under Chapter 121, Consolidated Statutes, second series,
2 for the Board of Pilotage Commissioners for the Port of
3 Botwood, Newfoundland, and have been duly approved by
4 His Excellency the Governor-In-Council. It is dated
5 at the Colonial Secretary's office in St. John's,
6 Newfoundland, on the 14th of June, 1910.

7 Q. And these by-laws purport to be signed
8 by whom?

9 A. Board of Pilotage Commissioners, J. W.
10 Aitken, Thomas Antle, John Foot.

11 Q. And to the best of your knowledge, have
12 these by-laws been amended since 1910?

13 A. Since 1910 the rates of pilotage have
14 been changed. The Botwood Pilotage Commission have
15 made several attempts to have by-laws approved by the
16 Department of Transport, and at the present time we have
17 on file a proposed set of by-laws which to date have
18 not come before the Board of Pilotage Commissioners of
19 Botwood.

20 THE CHAIRMAN: They have not?

21 THE WITNESS: They have not. They were only
22 received ten days ago.

23 COMMISSIONER SMITH: Excuse me, Mr. Jacques.

24 MR. JACQUES: Yes, sir.

25 COMMISSIONER SMITH: Now, I have in front of
26 me Order-In-Council of 13th May, 1954.

27 MR. JACQUES: We will have that, we will have
28 that Order-In-Council. But as the witness said, it
29 changes rates only and not the other provisions of the
30 1910 By-law, which will be filed.



1 Would you file the regulations and rates of
2 pilotage for the Port of Botwood as Exhibit number?

3 THE SECRETARY: 279.

4
5 ---EXHIBIT No. 279: Rules and regulations
6 of Botwood Board of
7 Pilotage Commissioners,
8 1910.

9 Q. Now, sir, this Exhibit 279 contains rates
10 of pilotage. Are you able to tell the Commission
11 whether these rates have been changed and, if so, when
12 and by whom?

13 A. These rates have been changed, I would
14 say, on several occasions through the years, and at the
15 present time we are operating under a set of rules as
16 approved by the Governor-General-In-Council on the 13th
17 of May, 1954.

18 Q. Would you file this Order-In-Council,
19 which is P.C. 1954/720, as Exhibit number?

20 THE SECRETARY: 280.

21
22 ---EXHIBIT No. 280: Order-In-Council,
23 P.C.1954/720.

24 Q. To the best of your knowledge, are there
25 any other rules or regulations, legal or not, approved
26 or not, which are applied in your district or any
27 surcharge of any kind?

28 A. The surcharge -- in 1959, when the present
29 Board took over, we found ourselves in the position of
30 very little funds on hand. The then pilot boat was



1 unfit for further use; the pilot station at Exploits was
2 practically uninhabitable; it had been built there, I
3 think, back in 1910 to 1912. Up to that time the
4 Pilotage Commission at Botwood was charging 10 per cent
5 surcharge as was authorized on the 13th of May, 1954.

6 Q. In the Order-In-Council which was filed
7 as Exhibit 280?

8 A. Yes. We made several representations
9 to Ottawa in the hope of getting government assistance
10 to provide a new pilot boat or repair or renew the pilot
11 station at Exploits, without success; and in December,
12 1959, on our own and without any authority from Ottawa
13 but with the advice of the Supervisor of Pilotage, we
14 increased the surcharge from 10 per cent to 50 per cent
15 in order to accumulate funds to provide a new pilot boat
16 and to repair the pilot station at Exploits.

17 Q. Was this later on approved by the Governor-
18 In-Council or any other authority?

19 A. Not to my knowledge.

20 Q. How long was this surcharge of 50 per
21 cent in force?

22 A. The surcharge of 50 per cent continued
23 until the end of December, 1962, and was reduced to
24 30 per cent on the 1st of January, 1963.

25 Q. Was this reduction approved by the Governor-
26 General-In-Council?

27 A. No.

28 Q. Or by any other body?

29 A. Only by the authority and the approval
30 of the Botwood Pilotage Board.



1 Q. Now, as regards these surcharges, has
2 there ever been any complaint from the shipowners?

3 A. We had several inquiries, and I would say
4 complaints, about the high surcharge rate. We always
5 informed them that it was done with the advice of the
6 Department of Transport and by the authority of the Botwood
7 Pilotage Commission.

8 Q. Now, this advice of the Department of
9 Transport to which you refer, was it given in writing or
10 verbally?

11 A. In the telegram from the Supervisor of
12 Pilotage in 1959. In 1959 the following telegram was
13 received from ---

14 Q. Yes, you mention a telegram. By whom
15 did it purport to be sent?

16 A. Supervisor of Pilotage at Ottawa.

17 Q. And to whom was it sent?

18 A. To the then Secretary-Treasurer of the
19 Botwood Pilotage Board.

20 Q. And on what date was it sent?

21 A. I am sorry, the date is not given here,
22 but the telegram from Botwood which instituted this
23 reply was sent on the 15th of September, 1959, to Captain
24 D. R. Jones, Supervisor of Pilotage, Department of
25 Transport, Ottawa:

26 "Reference my letter of 29th July not yet

27 "acknowledged. Please favour us with

28 "government's reply early as possible.

29 "Kindly telegraph."
30



1 Q. By whom was it sent?

2 A. H. D. Gatehouse, Secretary-Treasurer of
3 the Botwood Pilotage Board. And the following reply
4 was sent by the Supervisor of Pilotage, Ottawa:

5 "H. H. Gatehouse, Secretary-Treasurer,

6 "Botwood Pilotage Board, Botwood.

7 "Re your tele 15th as Captain Graves

8 "informs you, we can hold out no hope that

9 "financial assistance will be forthcoming

10 "from Federal Government. Can only suggest

11 "you obtain bank loan for purchase of new

12 "boat and adjust tariff to pay for it."

13 Q. "and adjust tariff to pay for it."

14 A. Yes.

15 Q. These are the exact words of the telegram?

16 A. Yes.

17 Q. Was this the basis of your decision to
18 increase the surcharge or to modify the surcharge?

19 A. It was.

20 CAPTAIN SLOCOMBE: May I say that that "adjust
21 tariff to pay for it" meant adjust it in the proper way,
22 with the approval of the Governor-In-Council.

23 THE CHAIRMAN: Well, either way.

24 MR. JACQUES: I quite realize that, and I think
25 the only purpose of that telegram would be to show
26 that the Commissioners acted in good faith and not that
27 they had legal authority to do what they did.

28 Q. This surcharge is calculated on what
29 revenues or charge or fee?

30 A. At the present time this 30 per cent is



1 calculated on the pilotage of each vessel.

2 Q. On the pilotage dues for each vessel?

3 A. Yes.

4 Q. Would it be pilotage inward and outward?

5 A. Yes.

6 Q. Would the surcharge be applied to the charge
7 for shifting a ship?

8 A. No, it would not. There is no charge
9 made by the Botwood Pilotage Commission for anchoring,
10 mooring and unmooring or shifting ships.

11 Q. I understand there is a charge but this
12 is collected by the pilots themselves?

13 A. Yes.

14 Q. What would constitute the sources of
15 revenue for your district?

16 A. The sources of revenue would be the
17 pilotage dues on each vessel plus the present 30 per
18 cent surcharge.

19 Q. And would you explain to the Commission
20 what the Board does with the revenue derived from pilotage
21 fees only?

22 A. It is divided one-third equally between
23 the three pilots.

24 Q. Is it divided monthly or yearly or semi-
25 yearly?

26 A. Fortnightly.

27 Q. Do you build up a reserve during the
28 year ?

29 A. Yes, there is a surplus.
30



1 Q. Out of this revenue derived from pilotage
2 only?

3 A. Out of the revenue derived from the sur-
4 charge?

5 Q. No, from pilotage?

6 A. The pilotage revenues, the actual pilotage
7 revenues are paid to the pilots.

8 Q. The whole amount which you have received
9 during any given period is turned over to the pilots?

10 A. Not the whole amount.

11 Q. The pilotage fees?

12 A. Yes.

13 Q. And it is handed over to the pilots?

14 A. Yes.

15 Q. And do you retain any of it?

16 A. No.

17 Q. You don't equalize any of it, \$100.00 each
18 week? You don't pay the pilots a regular salary and
19 adjust the payments at the end of the year?

20 A. No. The earnings of the pilots are
21 dependent on the traffic and income from pilotage fees.

22 Q. So for a period of two weeks, if you
23 collected \$66.00, you would pay out \$22.00 to each pilot?

24 A. Yes.

25 Q. If you collected \$150.00, you would pay
26 out \$50.00 to each pilot?

27 A. Yes.

28 Q. And if you collected nothing, you would
29 pay out nothing?

30 A. That is correct.



1 Q. Now, to what purpose do you put this
2 surcharge?

3 A. To the upkeep and operational expenses of
4 the pilot boat, repairs and upkeep of the pilotage station
5 at Exploits, secretary's fees, bank charges and any other
6 incidental expenses.

7 Q. And would this surcharge be sufficient
8 to cover these expenses in any given year?

9 A. Well, we have no experience of the 30
10 per cent, but the 50 per cent surcharge was giving us
11 a little surplus. If I may state figures, on the 1st
12 of January, 1960, the balance was \$1,895.50; the 1st
13 of January, 1961, \$2,671.92; the 1st of January, 1962,
14 which reflects the 50 per cent surcharge, our balance
15 was \$5,477.32; and the 1st of January, 1963, \$6,143.12.

16 Q. Was this deposited in any bank?

17 A. Our bank is the Bank of Montreal, the
18 Botwood branch.

19 Q. Would this surplus be deposited in a
20 savings or in a current account?

21 A. It is kept in a current account.

22 Q. It does not bear interest?

23 A. It does not bear interest.

24 Q. Have you brought with you your annual
25 returns for the years 1958 to 1962 inclusive?

26 A. Yes sir.

27 Q. Would you file in a bundle as Exhibit
28 number 281, the annual returns for the District of
29 Botwood, for the years 1962, 1961, 1960 and 1959?

30 THE WITNESS: Yes.



1
2 ---EXHIBIT No. 281: Bundle of annual
3 returns for the
4 District of Botwood
5 for the years 1962,
6 1961, 1960 and 1959.

7 Q. For the year 1962, would you briefly out-
8 line the amounts that you have received in revenue, in
9 surcharge, and also the expenses incurred during that
10 year?

11 A. In 1962 the pilotage revenues, that is
12 the actual pilotage of steamers, amounted to \$10,767.00,
13 a service charge of \$3,376.42.

14 Q. What was the percentage then, was it 50
15 per cent or 30 per cent?

16 A. This 30 per cent continued on till 1962.
17 The 50 per cent went off at the end of December, 1961.

18 Q. During 1962 the surcharge was 30 per
19 cent?

20 A. Yes.

21 Q. The 50 per cent surcharge was discontinued
22 at the end of December, 1961, is that correct?

23 A. That is correct.

24 Q. Would you give a summary of the expenses
25 which you have incurred during 1962?

26 A. The expenses of 1962, pilots and boatmen,
27 \$11,482.34; pilot boat and station expenses, \$995.93;
28 secretary-treasurer and assistant, \$706.16; Workmen's
29 Compensation, \$244.72; Unemployment Insurance, \$27.40;
30 bank charges, \$3.07; sundries, \$18.00. A surplus for
the year 1962 of \$665.80.



1 Q. Would you explain the entry pilots and
2 boatmen. How much would have been paid to the pilots,
3 and how much would have been paid to the boatmen?

4 A. The pilots were paid the actual pilotage
5 revenues. I don't have the figures.

6 Q. Would that be \$10,767.00?

7 A. Yes.

8 Q. And the boatmen would have been paid
9 the difference between the two figures?

10 A. Yes, which came out of the surcharge
11 fund. Would you explain the entry pilot boat and
12 station?

13 A. Pilot boat and station would be gas and
14 oil expenses for the operation of the pilot boat,
15 sundry repairs, and repair to the pilot station at
16 Exploits.

17 Q. Do you have a breakdown of this figure?

18 A. No, I am sorry I don't have a complete
19 breakdown here.

20 Q. Would it be possible to obtain this
21 breakdown?

22 A. Yes.

23 Q. Looking back to previous years, how
24 would the figure compare with the 1961?

25 A. The pilot collections?

26 Q. No, just pilot boat and station expenses?

27 A. \$699.34 in 1961.

28 Q. Yes, and in 1960?

29 A. \$537.14 in 1960. In 1959, \$337.47.

30 Q. Is this boat insured?



1 A. This boat is insured.

2 Q. Under what sort of policies?

3 A. Under a Lloyds policy through Behren
4 Brothers, Lloyds agents.

5 Q. You wouldn't know what coverage you have?

6 A. \$3,000.00.

7 Q. Does it cover hull and machinery?

8 A. Hull and machinery.

9 Q. Does it cover protection and indemnity?

10 A. I don't think it covers indemnity.

11 Q. It would be a straightforward hull and
12 machinery insurance?

13 A. Yes.

14 Q. To the best of your opinion, what is the
15 value of that boat?

16 A. Approximately \$3,000.00.

17 Q. When was she built?

18 A. She was put into service in the summer
19 of 1960.

20 Q. Do you recall how much she cost then?

21 A. Approximately \$3,000.00.

22 Q. Out of what funds was that boat paid for?

23 A. From the surcharge fund.

24 Q. You had accumulated enough money at that
25 time to pay for your new boat?

26 A. Yes, or we saw that there was enough
27 funds in sight with revenues to pay for the boat.

28 Q. Was she paid cash?

29 A. Cash and cheque.

30 Q. The price that you paid, did that include



1 all the equipment on board, such as engine, sounding
2 gear, radar, radio telephone?

3 A. At that time she had no radio telephone,
4 although radio telephone was installed, either last
5 summer or the summer before last.

6 Q. Was this expense met out of the surcharge
7 fund?

8 A. That is correct.

9 Q. Have you any other equipment installed
10 in that ship?

11 A. Nothing except lighting as required by
12 the Department of Transport.

13 Q. But there is no radar?

14 A. No radar.

15 Q. There is no sounding gear?

16 A. No sounding gear.

17 Q. How long do you expect the boat to be
18 able to remain in operation and to be operated efficiently
19 and safely?

20 A. I would say another three to five years.
21 The boat has been sheathed with greenheart sheathing for
22 operation in light ice, and I would say that another
23 three to five years would be the life of that boat.

24 Q. What would be the cost of building a
25 new boat suitable for your service?

26 A. The present boat, in my opinion, is not
27 adequate to navigate the rough water that she has to
28 navigate at Exploits. The question of moving the
29 pilot station from Exploits to another point further
30 within the Exploits Bay has come up and if that were done



1 I would say that the present boat, or a similar boat of
2 that type, would be suitable for the work.

3 Q. Do you expect to have enough money
4 accumulated by the time you need a new boat?

5 A. At the present rate of income and
6 expenditure I don't see that we will be increasing our
7 balance to any extent.

8 Q. So you might not have sufficient funds
9 to equip the new boat?

10 A. No.

11 Q. As regards the pilot station, do you
12 know if the Commission has any title to this pilot
13 station on Exploits Island?

14 A. Nothing except what is known in Newfound-
15 land as squatters' rights. The pilot station has been
16 on Exploits Island for the past, I would say over fifty
17 years, and I would say that by this time we have squatters'
18 rights to the land we are occupying there.

19 Q. Have you ever thought of obtaining
20 clear and legal title to the land occupied by this
21 station?

22 A. It has come to my mind, but I have never
23 considered it necessary to go through the formality,
24 because I can't see that anyone will ever challenge the
25 Commission's right to occupy the land it has occupied
26 for the last fifty years.

27 Q. Well, if you want to borrow money it
28 might be desirable to have title to an asset?

29 A. Well, I can't see that anybody will ever
30 extend credit for the land.



1 Q. We have been given to understand that the
2 pilots themselves act as boatmen. Would you explain
3 the reason why a salary was paid to boatmen?

4 A. Two years ago we released one of our
5 pilots to captain a tug for the towing of landstone
6 from Cobb's Arm, Notre Dame Bay, to Botwood. With his
7 release we didn't consider that we had sufficient man-
8 power to operate the service, that is to use one pilot
9 as a boatman, so we employed an outside boatman.

10 Q. How many pilots have you got now?

11 A. Three.

12 Q. And before you released the last mentioned
13 pilot how many did you have?

14 A. Three.

15 Q. So you took on another pilot?

16 A. We took on a boatman to operate the pilot
17 boat.

18 Q. Before you released the pilot you had
19 three pilots?

20 A. Yes.

21 Q. And now you still have three pilots?

22 A. He has come back to the service. He was
23 only released for that one season.

24 Q. And how frequently would this boatman
25 be called upon to work for you?

26 A. We had him on for the summer of 1960,
27 from I would say July to September approximately.

28 Q. But I am referring to your 1962 annual
29 return where there appears to be a salary paid to a
30 boatman?



1 A. One of the pilots in 1962 was ill, and
2 we again had to employ the boatman.

3 Q. What period was he ill, would you recall
4 that?

5 A. Approximately two months. I would correct
6 that, and say approximately three months.

7 Q. The next entry on your 1962 statement is
8 Secretary-Treasurer and Assistant, \$706.16. Would these
9 expenses be justified under any section of your by-laws?

10 A. It has always been the custom that the
11 Secretary-Treasurer collected the 5 per cent on the gross
12 receipts of the District to cover his services and
13 expenses.

14 Q. Was that done, to your knowledge, before
15 you became Secretary-Treasurer?

16 A. Oh, yes, it always has been the custom.

17 Q. Was that ever criticized by any pilots?

18 A. It never has been, not to my knowledge.

19 Q. The next entry is Workmen's Compensation.
20 Would you explain how your pilots came to be under
21 Workmen's Compensation?

22 A. The Pilotage Commission, in their endeavour
23 to improve the social status of our pilots, tried to get
24 them under Workmen's Compensation and Unemployment
25 Insurance.

26 Q. Well, let's deal with Workmen's Compensation
27 first?

28 A. We covered them for Workmen's Compensation
29 through the Newfoundland Branch of the Workmen's Compens-
30 sation Board.



1 Q. When was that first brought into
2 operation?

3 A. They have been covered for Workmen's
4 Compensation since the year 1960.

5 Q. Was that requested by the pilots or was
6 that the idea of the Commissioners?

7 A. I would say that it was brought up by the
8 pilots themselves, and pursued by the Pilotage Commission.

9 Q. Did you have any difficulties in obtaining
10 this coverage from Workmen's Compensation?

11 A. Not to my knowledge.

12 Q. I dare say that you are called upon to
13 fill various forms, and among these there is an annual
14 return which you file with Workmen's Compensation every
15 year?

16 A. We have never had any claim under the
17 Workmen's Compensation insurance. We make an annual
18 return to the Workmen's Compensation Board, which indicates
19 the wages paid each year.

20 Q. To the pilots?

21 A. To the pilots.

22 Q. Does it indicate that the Botwood Pilotage
23 Commission is the employer of the pilots?

24 A. It does.

25 Q. And does it indicate that the pilots are
26 employees of the Commission?

27 A. I would have to see the form to answer
28 that. This form does indicate that the Pilotage
29 Commission are the employers of the Botwood pilots.

30 Q. Would your occasional boatman be covered



1 by Workmen's Compensation when he works for you?

2 A. Yes, the boatman would be covered.

3 Q. You also mentioned unemployment insurance,
4 and you stated that your pilots are covered by unemploy-
5 ment insurance?

6 A. Our pilots are not covered by unemployment
7 insurance.

8 Q. Who is covered by unemployment insurance?

9 A. During the period that the boatman is
10 employed he is covered by unemployment insurance, because
11 the boatman is considered by the Unemployment Insurance
12 Commission as being an employee of the Pilotage Commission.
13 They will not admit that the pilots are employed by the
14 Botwood Pilotage Commission.

15 Q. Have you tried to convince them of that?

16 A. We have, without success.

17 MR. JACQUES: You might be surprised to know
18 that some people have succeeded.

19 COMMISSIONER RENWICK: Mr. Jacques, could I
20 intrude a question there on rates?

21 I wonder if Mr. Antle has the rate per hundred
22 payroll? We have had the rates given at different
23 spots.

24 THE WITNESS: \$3.00 per hundred.

25 COMMISSIONER RENWICK: That makes the third
26 rate we have had on pilotage, we have had \$2.50 and
27 \$3.50, now we get \$3.00.

28 THE WITNESS: The description of the industry,
29 pilotage of ships, including the operation of a pilot
30 boat, in and around the waters adjacent to Botwood.



1 Q. Do you deduct income tax of pilots on the
2 moneys you pay them?

3 A. We deduct income tax, which is remitted
4 to the District Tax Office in St. John's.

5 Q. Do you deduct as the employer of your
6 pilots?

7 A. I would say so, yes.

8 Q. The T-4 form?

9 A. Yes.

10 THE CHAIRMAN: And the Department of Revenue
11 have never complained about that?

12 THE WITNESS: No, they never have.

13 THE CHAIRMAN: I don't suppose they would.

14 Q. Does the Commission pay income tax on
15 the surplus left out of this surcharge fund?

16 A. No, because that is not taxable. That
17 doesn't apply, except to individuals.

18 Q. Now, sir, when you pay the revenue to
19 the pilots do you attach a statement with the cheque
20 which covers the payment?

21 A. Yes, a statement is attached. The pilots
22 are paid each fortnight and a statement indicating the
23 steamers piloted during that fortnight is attached showing
24 the net registered tonnage of each vessel, the applicable
25 pilotage fee.

26 Q. And the date on which it was piloted?

27 A. Yes, the date on which it was piloted in-
28 wards; and it also indicates the breakdown for gross
29 income tax and the net figure due each pilot.

30 Q. And this is sent with every pay cheque?



1 A. That is correct.

2 Q. Now, sir, would you explain the banking
3 operations of your district, how you proceed and how
4 you keep track?

5 A. Payments by ships' agents are deposited
6 in the Bank of Montreal at Botwood, cheques are issued
7 to pilots and for other expenses, the Bank of Montreal
8 issues a monthly statement showing deposits and charges,
9 and the balance shown by the bank at the end of each
10 month is reconciled by the Secretary-Treasurer with the
11 cash book of the Commission.

12 Q. Now, are your books audited yearly by
13 anyone outside the Commission?

14 A. The books, to my knowledge, have only been
15 audited once in the fifty years that the Pilot Board has
16 been in operation, and that was in May, 1961, when the
17 books were audited by D. B. Crowther, who was the
18 Federal Treasury Auditor from St. John's.

19 Q. Do you know the reason for that audit
20 at that particular time?

21 A. No, I cannot say. Unless it was on the
22 death of the late H. D. Gatehouse, who was the prior
23 Secretary Treasurer. There was no notification sent
24 to the Commission; he just came in and presented his
25 credentials, asked for the records of the Commission,
26 and the audit took place.

27 Q. Did you get a report from him after the
28 audit was completed?

29 A. This report is dated May 11th, 1961;

30 "The cash receipts and disbursements registered



"by the Botwood Pilotage Board were audited

"for the shipping season February, 1960 to

"February, 1961, and found to be in order.

"D.B. Crowther, Federal Auditor."

I have a letter from Mr. Crowther dated the 21st of July, 1961, in which he asked various questions, and my reply was sent on the 24th of July the same year.

I might add that the Pilot Commission makes an annual report to the Department of Transport showing the income and expenditures each year, and that is given on a form supplied by the Department of Transport.

Q. Now, apart from Workmen's Compensation, are there any welfare plans or pension plans applicable to your pilots?

A. No, we have no pension plan or other social benefits.

Q. None at all?

A. None whatever.

Q. Have you ever considered the possibility of obtaining such plan?

A. It has been discussed by the Pilotage Commission, and we are trying to devise ways and means to institute some sort of a pension plan; and in the brief which we have presented we have asked the Commission to advise us as to the best way of proceeding with this matter.

Q. Has your Commission ever borrowed any money from the bank?

A. No, we have never borrowed any money. The question came up when we built the new pilot boat



1 back in 1960, but we proceeded with our 50 per cent
2 surcharge and got funds together enough to avoid the
3 necessity of borrowing money.

4 Q. Have you issued any rules as to the
5 discipline and conduct of your pilots on board ships
6 or on the station?

7 A. We have issued a note indicating the
8 conduct of pilots, especially with regard to the use
9 of alcoholic liquors and narcotics.

10 Q. Have you a copy of that note with you?

11 A. The Pilotage Commission have issued a
12 section from The Canada Shipping Act dealing with the
13 use of liquor and drugs, and this was issued as a
14 bulletin from the Pilotage Commission.

15 Q. Have you ever had any trouble in that
16 respect with any of your pilots at any time within the
17 last five years?

18 A. I can't say that -- no, we have had no
19 trouble.

20 Q. No complaints from masters?

21 A. No complaints from masters.

22 Q. From ships' agents?

23 A. Not from ships' agents.

24 Q. From any of the pilots as regards one
25 of theirs?

26 A. No, no complaints from pilots.

27 Q. Have you had any complaints from any
28 boatmen that you hire?

29 A. No, none at all.

30 Q. Have you yourself had the occasion to



1 license a pilot since you have been in office?

2 A. We issued a licence to each of our pilots
3 on the 6th of December, 1961.

4 Q. Prior to that date did they hold licences?

5 A. Not to my knowledge.

6 Q. Do you know the reason why they did not?

7 A. Well, it is a matter that was never
8 brought up by the previous Pilotage Commission. The
9 pilots themselves asked for a note of authority, and we
10 have considered that it was necessary that they should
11 have a note of authority from the Pilotage Commission to
12 show to strange masters.

13 Q. Was that request made after they had
14 any difficulties with ships' masters?

15 A. Not to my knowledge, no. If I remember
16 correctly, I think the matter came up at a time when the
17 pilots were examined by the St. John's Board of Masters
18 and Mates, and after passing that examination we issued
19 this licence.

20 Q. Why were they examined by this examiner
21 in St. John's?

22 A. I couldn't say.

23 Q. Do you know if they were examined success-
24 fully at St. John's?

25 A. Yes, otherwise we would never have issued
26 a licence.

27 Q. Would you read what is in that document?

28 A. "Botwood Pilotage Board, Botwood,
29 "Newfoundland. 6th December, 1961. Licence of
30 "Pilot for the Pilotage District of Botwood, Newfoundland.



1 "Mr. Garles LeDrew, whose signature appears
2 "hereunder is hereby licensed to pilot vessels
3 "within the Botwood Pilotage District of
4 "Newfoundland, under the provisions of the
5 "Canada Shipping Act and the general by-laws
6 "of the Botwood Pilotage Authority.

7 "This licence may be withdrawn at any
8 "time at the discretion of the Botwood Pilotage
9 "Authority.

10 "Dated at Botwood, Newfoundland, this
11 "day of December, 1961."

12 And each licence has been signed by each of
13 the three pilots.

14 Q. Can you tell me the reason why this licence
15 has been made subject to withdrawal at any time by the
16 Commission?

17 A. Well, in case we had any complaint from
18 any ship master as to the conduct of pilots. If a vessel
19 ran into an accident and the pilot was considered in-
20 competent ---

21 Q. You would withdraw the licence?

22 A. Or if we had any complaint of the use
23 of liquor, we reserve the right to withdraw the licence
24 at any time.

25 Q. Do your pilots go on holidays or vacation?

26 A. No, there are no vacation arrangements.

27 COMMISSIONER SMITH: Are any of your pilots
28 occupied in any gainful remuneration besides pilotage?

29 THE WITNESS: Yes, the Anglo-Newfoundland
30 Development Company -- now I speak as an employee, if I



1 may -- we operate an icebreaking vessel in the Botwood
2 Harbour on the formation of ice in the Harbour about the
3 15th of December to the end of December, and the three
4 pilots operate that boat, for which they receive remuner-
5 ation from the Montreal Shipping who operate the boat
6 on our behalf.

7 COMMISSIONER SMITH: Thank you.

8 THE CHAIRMAN: Do they have other employment
9 besides that?

10 THE WITNESS: The pilots?

11 THE CHAIRMAN: Yes.

12 THE WITNESS: No, they do not.

13 THE CHAIRMAN: So they only do piloting or
14 they would be on the icebreaking work.

15 THE WITNESS: Yes, with the exception of this
16 one period when a pilot was released to operate the same
17 vessel for towing purposes.

18 Q. But they always work on ships?

19 A. Yes.

20 Q. Did you ever have any negotiations with
21 the Department of Transport concerning the revised version
22 of your by-laws?

23 A. Yes, we have.

24 Q. When were they carried out?

25 A. On the 7th of December, 1961, the Board
26 wrote to Mr. Seeley, Pilotage Division at Ottawa.

27 Q. And without reading the letter, what was
28 the purpose of your writing to Captain Seeley?

29 A. It returned a draft copy of the general
30 by-laws which the Department of Transport had sent us



1 and which we had accepted, with some deletions; and on
2 the 5th of February, 1962, Captain D. R. Jones replied:

3 "We have incorporated the changes which are
4 "required to the draft by-law and now return
5 "the by-law in its formal form. If this
6 "form is acceptable, please signify its
7 "acceptance and return."

8 On the 21st of March the Board wrote:

9 "Referring to your letter of 5th February,
10 "the Botwood Pilotage Board have accepted
11 "the by-laws."

12 On the 10th of September, 1962, the Board
13 wrote Captain Seeley:

14 "With regard to my letter of 21st March
15 "enclosing copy of by-laws, would you
16 "kindly let me have six copies. We return
17 "you the only copy we have received and
18 "have no complete copy for the Board's
19 "files."

20 On the 18th of September, 1962, D. R. Jones
21 writes:

22 "In reply to your letter of September 10th
23 "inquiring about the by-law, we have to inform
24 "you that the by-law sent you for your
25 "examination early this year was a draft
26 "only and cannot be considered a formal
27 "document. Regrettably we have been unable
28 "to progress very far in our endeavours as
29 "they affect a new by-law, so at this time
30 "whatever by-law you may have received is



1 "a draft one."

2 Then Captain Seeley enclosed two mimeographed
3 copies of a proposed by-law, which I have in my hand
4 and which at this moment has not been brought before the
5 Commission.

6 CAPTAIN SLOCOMBE: My lord, those two copies
7 which Mr. Antle received a week ago were in response to
8 a telegram sent to Lewisporte. I found that the pilotage
9 authority in Lewisporte did not have a copy and I was
10 afraid Mr. Antle did not have a copy either, so I wired
11 for two copies.

12 Q. Now, would you file this document as
13 proposed general by-laws of the Botwood Pilotage District
14 as Exhibit number?

15 THE SECRETARY: 282.

16
17 ---EXHIBIT No. 282: Proposed General
18 By-laws of Botwood
19 Pilotage District

20 Q. Does your Commission keep any minutes
21 of these meetings?

22 A. There were no minutes handed me from
23 the previous Secretary-Treasurer. Since I have taken
24 over the work I have compiled a record of the proceedings
25 of each meeting, and I have here the minutes of four
26 meetings held by the Commission since 27th September,
27 1960 to 28th March, 1963.

28 Q. How many times a year would you meet,
29 roughly?

30 A. We meet whenever there is any business to



1 transact.

2 Q. Do you have at least one general meeting
3 every year?

4 A. I can't say that we do.

5 Q. Do you call pilots to these meetings?

6 A. Not unless it is necessary. If anything
7 comes up for which pilots are required, they are called.

8 Q. Do you give the pilots at the end of the
9 year a financial statement of the District, including
10 a statement on pilotage fees, and also on surcharge?

11 A. No, we do not.

12 Q. Do you keep any account books showing daily
13 your revenue and your expenses?

14 A. We keep a cash book.

15 Q. What information is contained in that
16 cash book, starting from the left-hand column, working
17 to the end of the two pages?

18 A. This book shows the date of arrival of
19 each steamer, the name of the steamer, the bill number,
20 which indicates the bill issued by the Commission to
21 each steamship agent, the net registered tonnage of the
22 vessel, the pilotage fee, the service charge, and the
23 tonnage of the pilotage.

24 On the expenditure side is recorded the
25 amounts paid each fortnight to the pilots, disbursements
26 to the Director of Taxation for income tax deductions,
27 and other operation expenses of the Pilotage Board,
28 including pilot boat expenses, insurance on the pilot
29 boat, Workmen's Compensation, and other expenses of the
30 Board.



1 Q. Are all payments made by cheque?

2 A. All payments are made by cheque.

3 Q. Are your cheques numbered?

4 A. No cash is transacted. Yes, consecutively
5 numbered.

6 Q. What information is contained in your
7 invoices?

8 A. The date of the rendering of the bill,
9 the steamer's name, the name of the vessel's agents,
10 the date of arriving at Botwood, the net registered
11 tonnage, the inward and outward pilotage service charge,
12 and the total.

13 Q. Who supplies you the information to prepare
14 that invoice?

15 A. The ship's agents.

16 Q. He gives you tonnage?

17 A. Yes.

18 Q. Don't the pilots have anything to do
19 with that in obtaining the signature of the Captain on
20 the invoice, or on any pilotage card at all?

21 A. No.

22 Q. They don't do any of that work at all?

23 A. No.

24 Q. And you do all the correcting of dues?

25 A. That is correct, depositing, and the
26 bank transactions.

27 Q. Do you have any trouble in collecting
28 dues?

29 A. No, we have never had any trouble in
30 collecting accounts, and at the present time there are



1 no outstanding accounts payable to the Commission.

2 Q. I show you a book, with which you may be
3 familiar, which is apparently kept by the pilots. Would
4 you explain what this book contains?

5 A. This is the first time that I saw this
6 book was when a pilot handed it to me yesterday, and
7 it apparently contains the date of arrival of each
8 steamer, the steamer's name, the initial, I take it, of
9 the pilot who piloted the vessel, and the date of her
10 sailing.

11 COMMISSIONER SMITH: Are the dues collected
12 mentioned there too?

13 THE WITNESS: No, there is no record of any
14 dues.

15 MR. JACQUES: These are all the questions
16 I have to put to the witness, but the witness will be
17 submitting the brief of the Botwood Pilotage Commission,
18 and I believe also that he has a newspaper article
19 containing the development at Botwood, which he would
20 like to give the Commission.

21 COMMISSIONER SMITH: If your lordship pleases,
22 there is just one question I would like to ask the
23 witness.

24 Mr. Antle, have you any general suggestions,
25 or comments, or observations, other than those already
26 given in your evidence, for the improvement of the
27 structural setup, administrative operation, or the
28 efficiency of pilotage as such in the District of
29 Botwood?

30 THE WITNESS: The only thing that I would



1 mention is the provision of a pension scheme. The
2 members have privately talked of increasing the pilotage
3 to give them a little extra money, but we have contacted
4 other similar ports on the East Coast of Canada, and
5 our rates at Botwood apparently compare favourably with
6 the rates in Dalhousie, Corner Brook and other ports
7 around Newfoundland, and unless the traffic increases
8 we don't feel that we could justifiably increase the
9 present pilotage rates.

10 Q. So the money would have to come from
11 somewhere else, a subsidy of some kind?

12 A. Yes, we have as I have already indicated
13 asked the government for assistance in providing us
14 with a pilot boat, and improving the pilot station at
15 Exploits, and the pilot station at Exploits, I might
16 say, is no credit to the Botwood Pilotage Commission or
17 to Canada. For men have to live in the small hut
18 that we have at Exploits in my judgment is not right
19 in this day and generation. It is an unheated, fifty
20 year old shack, and as I have indicated in the brief,
21 two men have to live there sometimes for days at a
22 time in the fall and winter, and during the past four
23 to five years our shipping season at Botwood has
24 extended into the winter season. Up to fifteen years
25 ago Botwood closed down, I would say, around the end
26 of December, the first week in January, but at the
27 present time, and on two occasions over the past few
28 years we have operated around the calendar, and the
29 pilot station at Exploits is most inadequate in my
30 opinion for men to have to live there.



1 COMMISSIONER SMITH: I think you will get a
2 lot of people to agree with you on that.

3 Q. You also mentioned that this station
4 might be moved to some advantage. Would you state
5 where this station could be moved. This is Chart
6 No. 4595, Exhibit No. 232. Would you indicate where
7 the station might be moved?

8 A. It has been suggested, your lordship,
9 that the station may be moved --- it is not indicated
10 on this chart --- to Point au Bay.

11 COMMISSIONER SMITH: Can you find it on that
12 small chart?

13 THE WITNESS: Point au Bay would be approximately
14 twelve miles from Botwood.

15 Q. And it is circled in red on Chart No.
16 4596, Exhibit No. 233?

17 A. In my judgment that is a debatable
18 question, as to the prudence of moving the pilot station
19 from Exploits to Point au Bay. On several occasions
20 we have had steamers with strange captains who have
21 been very uneasy even approaching the pilot station at
22 Exploits closely, and our pilot boat has had to proceed
23 for a mile or two miles off the coast to pick them up.

24 THE CHAIRMAN: In the case of fog also you
25 have the problem of anchorage?

26 THE WITNESS: Yes, there are only two, and I
27 wouldn't say safe anchorages.

28 THE CHAIRMAN: Yes, they are marked here on
29 the map.

30 THE WITNESS: Between Exploits and Botwood,



1 one on the inside of High Greggo, and another at
2 Lawrenceton. Otherwise it is all deep water from
3 Exploits to Botwood Harbour.

4 THE CHAIRMAN: I see that the income for
5 your three pilots is not very high. Do you think that
6 the traffic that you have warrants three pilots?

7 THE WITNESS: On times, yes. On times, no.
8 Prior to 1958 we actually had four pilots employed, and
9 they were getting a starvation wage. One pilot died,
10 or resigned on account of ill health, and since that
11 we have been operating successfully with three pilots.

12 THE CHAIRMAN: Yes, I imagine so.

13 THE WITNESS: I have no doubt that if the
14 station were moved to Point au Bay we could get by
15 with two pilots.

16 THE CHAIRMAN: You see, I am looking at 1962
17 in the pilots' log here, and I see that the busiest month
18 in 1962 was December. I think you had thirteen ships
19 during that month. One ship on the 2nd; one ship on
20 the 6th; one ship on the 11th; one ship on the 20th;
21 one ship on the 22nd; one ship on the 24th; one ship
22 on the 25th; one ship on the 26th; three ships on the
23 27th, and two of them were handled by Mr. Foot, and the
24 other one by Mr. LeDrew; two ships on the 31st, one
25 handled by Pilot LeDrew, and the other by Pilot Foot.

26 So I see that the other pilot had only one
27 ship during that month.

28 THE WITNESS: I have no doubt that the service
29 could be operated by two pilots, but there would be
30 occasions when we would have to employ a boatman.



1 THE CHAIRMAN: Of course, if they want to work
2 for a very small income, it is up to them. However,
3 you have the service.

4 THE WITNESS: But I would say that over the
5 past four to five years, by reducing it to three pilots
6 we have improved their earnings, and I don't know whether
7 I should submit this as evidence or not, but I do have
8 the earnings that they have received in the operation
9 of this icebreaker.

10 MR. JACQUES: Yes, that would be very
11 interesting.

12 THE CHAIRMAN: Of course, we have no objection
13 you know, if you can find a device whereby you have a
14 good piloting service and they are satisfied with the
15 pay they receive.

16 THE WITNESS: In 1961 the Montreal Shipping
17 Company paid to the same three men a total of \$6,000.00.

18 THE CHAIRMAN: I see, so there we have the
19 answer.

20 THE WITNESS: And in 1962 they paid them
21 \$5,100.00. So add this to the amount of each individual
22 in the breakdown there.

23 THE CHAIRMAN: Because in other places we
24 have seen it the other way around, with only one pilot
25 and a lot of money.

26 You were mentioning before with regard to
27 licences you issue, the question of suspending the
28 licence, so I think it is covered in your old by-law of
29 1910, in Section 20, where the Commission could suspend
30 or forfeit at their discretion the licence, and I see



1 that one man, there was a Commissioner by the name of
2 Thomas Antle. Is that your father?

3 THE WITNESS: My grandfather.

4 THE CHAIRMAN: So it is in the family.

5 MR. JACQUES: Thank you sir, very much, for
6 coming to Corner Brook. We appreciate your co-operation,
7 and I must extend my congratulations for the way in
8 which your books and accounts were kept. It is quite
9 easy to find one's way around, and find out where the
10 money has gone, and why it has gone in that direction.

11 Thank you.

12 I believe you want to give the Commission
13 an article which describes the newsprint shipping
14 terminal at Botwood?

15 THE WITNESS: That is right. This is an
16 article. As I have mentioned in my brief, the A.N.D.
17 Company has just completed a new shipping terminal,
18 and this News Log gives a complete account of the details
19 of that structure. I thought it may be of interest
20 to the Commission if I brought it along.

21 THE CHAIRMAN: Thank you very much Mr.
22 Antle.

23
24 ---A SHORT RECESS

25
26 MR. JACQUES: My lord, Mr. Antle was kind
27 enough to prepare some statistics on the traffic of
28 A.N.D. Company and other harbour facilities available at
29 Botwood, and I should like him to read these statistics
30 into the record if you have no objection.



1 THE CHAIRMAN: Yes; and in order to complete
2 what I said before with regard to December, 1962, it
3 should be added that all those ships mentioned had to go
4 out, therefore it was twice the amount of ships really
5 that were handled.

6 MR. JACQUES: Thank you, sir.

7 THE WITNESS: My lord, I have prepared here
8 the traffic passing through Botwood on behalf of Anglo-
9 Newfoundland Development Company, for the past three
10 years, 1960, 1961 and 1962.

11 I have three columns, 1960, 1961 and 1962.

12 PAPER: 1960, 229,207 short tons exported;
13 1961, 209,971; 1962, 205,000.

14 SULPHITE, PULP: 12,655, 8,439; 8,131.

15 ZINC, LEAD AND COPPER ORE CONCENTRATES: 136,000;
16 123,451; 126,790.

17 IMPORTS. SULPHUR: 10,027 short tons; 10,119;
18 13,496.

19 LIMESTONE, which is a local product and comes
20 into Botwood by local coastal schooners: 12,000; 12,000;
21 15,825.

22 BUNKER C FUEL expressed in barrels: 501,096;
23 580,702; 549,366.

24 GENERAL CARGO, MILL PRODUCTS: 2,159; 2,293;
25 2,361.

26 COAL: 5,704; 4,439; none in 1962 as we have
27 discontinued the handling of coal.

28 Q. Which of these commodities would be
29 going to foreign ports and which came from foreign ports?

30 A. Going to foreign ports would be paper,



1 sulphite, pulp and concentrates. Coming from foreign
2 ports, sulphur, bunker C fuel and general cargo and
3 coal.

4 MR. JACQUES: Thank you.

5 THE WITNESS: Would you want me to mention the
6 wharf, Newfoundland Great Lakes Service?

7 Q. Yes, please.

8 A. We have a service, a general cargo
9 service coming into Botwood and the Great Lakes ports
10 including Montreal, and in 1960 the quantity landed
11 by that firm was, 1960, 7,172 short tons; 1961, 8,996;
12 1962, 14,223 short tons.

13 These steamers discharge their cargos at the
14 wharf which was built by the Canadian Navy during the
15 war and taken over by the A.N.D. Company at the cessation
16 of hostilities. That wharf within the next two years,
17 I would say, will be completely finished.

18 The Board of Trade, unions at Botwood and
19 Grand Falls and various other community organizations
20 have made representations to the Federal Government for
21 the provision of a suitable discharging pier with
22 suitable sheds for the landing and distribution of
23 general cargo. About two years ago a small wharf was
24 built by the Department of Transport or Federal
25 authorities, which is considered most unsuitable for
26 the handling of such traffic. It has been used by
27 the Golden Eagle Refining Company for the mooring of
28 their tankers, and oil discharging facilities for that
29 traffic extends from the wharf to oil storage tanks
30 of the Golden Eagle Refining Company. That company has



1 a storage capacity at Botwood of three million gallons
2 in four storage tanks, and I am sure that I speak on
3 behalf of the Pilotage Board of Botwood when I request
4 the assistance of the Commission in the provision at
5 Botwood of a suitable pier so that the traffic handled
6 by the Newfoundland Great Lakes or any other common
7 carriers can be continued.

8 There is also oil traffic going into Botwood
9 supplied by the Irving Oil Company, and they have a
10 storage capacity there of four million two hundred
11 thousand gallons. The A.N.D. Company has a new paper
12 storage and handling facilities, which I have already
13 indicated. The American Smelting and Refining Company,
14 which is an associated company with the Anglo-Newfound-
15 land Development Company, have an ore shed with a total
16 storage capacity of 50,000 short tons, and that company
17 is just completely the installation of a new conveyor
18 system from the storage shed to the concentrate wharf.
19 The Commission visited those premises while at Botwood.

20 The A.N.D. Company also has two bunker C oil
21 storage tanks with a total of 280,000 barrel capacity,
22 and their tankers discharge at the old Naval dock or
23 the pier that is operated by the Newfoundland Great Lakes..

24 COMMISSIONER SMITH: Do any of these larger
25 ships have bridge aft?

26 THE WITNESS: No, the large tankers, the T2
27 tankers, have bridge amidships.

28 COMMISSIONER SMITH: No bridge-aft ships?

29 THE WITNESS: Paper steamers, 13,000-ton
30 vessels, yes.



1 COMMISSIONER SMITH: Thank you.

2 Q. Could you, before you leave, tell the
3 Commission what ships are exempt from pilotage in
4 Botwood now?

5 A. All steamers of 300 tons and upwards are
6 charged pilotage.

7 Q. So any steamer, no matter her registry,
8 where she comes from, under 300 tons net registered
9 would be exempt?

10 A. Under 300 tons, but we have no steamers
11 coming to Botwood under 300 tons.

12 Q. These figures which you have given,
13 where did you obtain them?

14 A. Well, from the records of the A.N.D.
15 Company and on inquiry to the Irving Oil, Golden Eagle
16 Refining Company and Newfoundland Great Lakes Steamships.

17 Q. And those figures which do not come from
18 the records of your company, you believe that they are
19 accurate?

20 A. I do believe that they are accurate.

21 MR. JACQUES: Thank you.

22 Captain Miller, please.

23 ---
24
25
26
27
28
29
30



HORACE BRINDLEY MILLER, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. What is your full name, sir?

A. My full name is Horace Brindley Miller.

Q. And how old are you?

A. Fifty-five.

Q. What is your occupation?

A. Marine Superintendent for Bowaters (Newfoundland) Pulp and Paper Limited.

Q. How long have you been in that position?

A. Since 1949.

Q. Here in Corner Brook?

A. Yes.

Q. Do you hold any certificate of competence of any kind?

A. I hold a Master's Foreign Going Certificate.

Q. When did you obtain this certificate?

A. In 1931.

Q. Where did you obtain it?

A. In St. John's, Newfoundland.

Q. Since you have obtain this certificate have you been in command of any vessel?

A. Yes.

Q. Would you describe these vessels, their tonnage and the waters in which they plied?

A. My first command was a German prize ship which was seized in Botwood. Her name was the



1 Kristoff van Dormann. She was about 5,500 tons. That
2 was in November, 1939.

3 Q. How long were you on board?

4 A. Until I lost her off Margate, England,
5 in June, 1940.

6 Q. And what trips did you make on her?

7 A. North Atlantic.

8 COMMISSIONER SMITH: Was that a war casualty
9 in June?

10 THE WITNESS: Yes, sir, magnetic mine.

11 Q. And what was your next command?

12 A. My next command was the steamship North-
13 brook. She was approximately -- I forget her tonnage --
14 she was approximately 4,700.

15 Q. Net or gross?

16 A. Net.

17 Q. How long were you in command of that ship?

18 A. I was in command of that ship until 1945.

19 Q. And what waters did you ply with that
20 ship?

21 A. The North Atlantic and the Gulf of Mexico.

22 Q. And after that?

23 A. After that I was placed on the payroll of
24 this particular mill in Corner Brook, and I was Assistant
25 Marine Superintendent in charge of Woods Equipment,
26 tugs and scows. I was ashore each winter and I was afloat
27 each summer. Each summer I was afloat as a master of
28 a triple-screw diesel tug called Preventer, from 1946 to
29 1949.

30 Q. And where was she stationed?



1 A. Her home port was Corner Brook and her
2 trade was Newfoundland and Nova Scotia coastal.

3 Q. And you did that for four years?

4 A. Except for the one winter when I went
5 master of the Corner Brook.

6 Q. What type of ship was that?

7 A. She was an ocean-going steamer of about
8 5,500 tons.

9 Q. So you seem to have vast experience as
10 master of a ship, and I should like you to tell the
11 Commission what in your own experience has been the
12 function of a pilot of ships on which you were master.
13 What did they do?

14 A. A pilot would -- in any port, sir?

15 Q. In any port?

16 A. The pilot would board a ship just off the
17 Fairway buoy to the approaches of any port, and with his
18 local knowledge he would assist and advise the captain
19 whilst the ship was negotiating the entrance to that
20 particular port. In some ports such as Corner Brook
21 the pilot would also assist in the docking of the ship,
22 but in ports such as New York, Liverpool, England,
23 London, on arrival off the premises the pilot would
24 frequently relinquish his position to another pilot who
25 would come aboard and he would be the docking pilot.

26 Q. And during that time from seaboard inward
27 who would give the orders to the wheelsman and to the
28 man looking after the engine room and telegraph?
29 The pilot A. The pilot, or unless the captain felt
30 that he should take the job away from the pilot.



1 Q. In your own experience has it ever
2 happened that you took the ship away from a pilot?

3 A. Yes.

4 Q. Would you tell his lordship about it?
5 Under what circumstances did that happen?

6 A. I was entering St. John's with a full
7 cargo of coal and I was not happy as to the way the
8 pilot was bringing her around to starboard because my
9 berth was at Harvey's No. 2, and I took over from the
10 pilot.

11 Q. What was the size of that ship?

12 A. That was the Kristoff van Dormann.

13 Q. Was the weather fair?

14 A. Yes.

15 Q. Coming back to Corner Brook, are you able
16 to tell the Commission the number of ships which your
17 company has received here in Corner Brook, say, last
18 year?

19 A. Yes, sir, I have a list made up here.

20 In 1962 a total number of 158 vessels docked
21 at Bowaters' premises.

22 Q. You say 158 vessels. Would that be 158
23 different vessels or would it include the same vessel
24 calling at Corner Brook?

25 A. Yes, it would include the same vessel.
26 In this 158, there are steamers which have docked at
27 Corner Brook seven or eight times in the year.

28 Q. And are you able to state to the
29 Commission the average tonnage of those ships, the net
30 tonnage?



1 A. I can give you the net tonnage, yes, sir.
2 I would say the average net tonnage is 4,500.

3 Q. And what would be the largest net tonnage
4 that you handle at Bowaters?

5 A. Ten thousand tons.

6 Q. The Bowaters' vessels themselves, what is
7 their tonnage?

8 A. We have three steamers of 419 feet overall,
9 8,400 dead weight tons, or 3,900 net tons, and we have
10 six motor vessels of 325 feet overall, and their net
11 tonnage is 2,071 tons. We have one other steamer of
12 3,432 net tons. She is 391 feet in length, and still
13 another one 328 feet in length, of 1,651 net tons.

14 Q. How many would that be altogether?

15 A. Eleven sir.

16 Q. Eleven ships?

17 A. Yes sir.

18 Q. Now, the total tonnage handled at Bowaters
19 last year would amount to how many tons?

20 A. Well, inward sir, the total was 210,678,
21 and outward we handled 552,013 tons. No, I am sorry sir.
22 Outward it was 341,335, a total in and out of 552,013
23 tons.

24 Q. These statistics which you have just been
25 reading seem to have completely covered the years 1960,
26 1961 and 1962. If you have no objection, I would like
27 to file them as Exhibit number ---

28 THE SECRETARY: 283.
29
30



1
2 ---EXHIBIT No. 283: Shipping Statistics
3 for Corner Brook for the
4 years 1960, 1961 and 1962
5 for Bowaters (Newfoundland)
6 Pulp and Paper Mills Limited.

7
8 Q. For 1962 you show that 401 vessels,
9 totalling 600 and some odd thousand registered tons
10 reported to Customs in Corner Brook. Would that include
11 the vessels calling at other piers or docks in Corner
12 Brook?

13 A. Yes.

14 Q. That would be the total number of ships,
15 or trips, made here?

16 A. Yes sir.

17 Q. Would that apply to all types of vessels?

18 A. Yes.

19 Q. Even fishing vessels?

20 A. If they had to report to Customs, and I
21 wouldn't know.

22 Q. These are from the entries at the Customs
23 House, are they?

24 A. Yes.

25 Q. I think there is no explanation required
26 on vessels calling at Bowaters, and the reports for the
27 previous years would contain similar information?

28 A. That is right sir.

29 Q. Have you yourself handled large steam-
30 ships in Corner Brook?

A. Yes.

Q. Without a pilot?



1 A. No, I always used a pilot.

2 Q. Why sir?

3 A. Well, it just happened that they were
4 there. There was a pilotage association, so I used
5 a pilot. When I was coming in from foreign it was
6 compulsory, and if I was shifting ship the pilot was
7 there, so I used him.

8 COMMISSIONER SMITH: As a matter of safety?

9 THE WITNESS: Yes sir.

10 Q. Was it because you felt that you couldn't
11 handle the ship yourself in Corner Brook?

12 A. Oh, no, no. Not that at all sir. I just
13 feel that if a pilot is there that is his job, and if
14 he is capable and he knows the intricacies of the harbour
15 he should be employed.

16 COMMISSIONER SMITH: There is only one question,
17 my lord. I take it, Captain, that you took on the pilot
18 in order to make additionally sure as far as possible
19 for the safe navigation of your ship in restricted and
20 possibly dangerous waters?

21 THE WITNESS: That is correct sir.

22
23
24 --- AT 12:15 P.M. THE HEARING WAS ADJOURNED
25 UNTIL 2:00 P.M.

26
27 ---
28
29
30



1

2

---On commencing at 2:00 p.m.

3

4

MR. JACQUES: Mr. Purchase, please.

5

6

FREDERICK AUSTIN PURCHASE, sworn

7

8

DIRECT EXAMINATION BY MR. JACQUES:

9

10

Q. Would you state your full name and age,

11

sir, please?

12

A. Frederick Austin Purchase, age 49.

13

Q. What is your occupation?

14

A. Manager of the Western Terminal.

15

Q. And how long have you been in that job?

16

A. Seven years.

17

Q. Have you prepared statistics on the in-

18

coming and outgoing freight as far as you are concerned

19

here in Corner Brook?

20

A. Yes, for three years, 1960, 1961 and 1962.

21

Q. Looking at 1962, sir, would you please

22

to the Commission where you obtained this information?

23

A. This information was primarily taken from

24

our port log.

25

Q. And would this port log give in all cases

26

the number of tons loaded or discharged as the case

27

may be?

28

A. That is true.

29

Q. This would be firsthand information from

30

your records?



1 A. Yes.

2 Q. Showing the number of voyages and the
3 number of ships?

4 A. Yes, the number of voyages, that is the
5 total tonnage for the year.

6 Q. And would the ships listed in your
7 statistics be ships using pilots or subject to the
8 compulsory payment of pilot dues?

9 A. All with the exception of the Canadian
10 National Steamships; they are not subject to the payment
11 of dues.

12 Q. And the Canadian National ships would be
13 subject to the payment of dues?

14 A. The Canadian National Railways, no.
15 The others are.

16 Q. Now, from your past experience have you
17 been able to establish a trend in the shipping industry
18 here in Corner Brook?

19 A. Well, we have had changes over the years.
20 We have lost certain tonnages because of changing
21 conditions, and we have gained others. You will note
22 that the number of ships handled in the three years
23 is very similar; I think there is a variation of three
24 or four: 104 in 1961, 103 in 1960, and 106 in 1962.
25 So there is very little change in the number of ships.
26 Also the tonnage is fairly even, about 45,000 tons a
27 year.

28 Q. So from your past experience could you
29 say that if there is any increase in traffic in Corner
30 Brook it would be very slight?



1 A. Yes, from these records I would think in
2 our business the tonnage -- we are always hoping for an
3 increase, but the volume is the big thing, getting enough
4 cargo in the area, from other ports, particularly the
5 U.K. and U.S. ports, to make it worthwhile for the ship
6 calling here, because of the pilotage dues, the harbour
7 dues, the docking dues.

8 Furness Withy, for instance, in 1962, made one
9 trip of the Manchester Vanguard. That ship brought in
10 96 tons, her gross registered tonnage on which she paid
11 harbour dues was 1,600 tons, which makes it very expensive.

12 Q. What sort of cargo does that company handle?

13 A. It is general cargo.

14 Q. Would it cover all cargo which is handled
15 in Corner Brook?

16 A. Pretty well all the cargo which comes
17 to Corner Brook is handled through our terminal, other
18 than railway, of course.

19 Q. What kind of cargo would be handled by
20 other companies in Corner Brook?

21 A. Well, of course, the Bowaters people have
22 their mill accessories, and, of course, the North Star
23 Cement, the wallboard company. We do bring on our
24 ships a certain amount of paper used in the production
25 of wallboard, but they do their own discharging.

26 Q. And these are the major industries which
27 would use ships?

28 A. Yes, sir.

29 MR. JACQUES: I should like to file these
30 statistics as Exhibit number?



1 THE SECRETARY: 284.

2
3 ---EXHIBIT No. 284: Statistics on In-
4 coming and Outgoing
5 Freight, Corner
6 Brook, for the years
7 1960, 1961 and 1962.

8 COMMISSIONER RENWICK: Just one very simple
9 question..

10 The witness mentioned harbour dues. I under-
11 stand there is no such thing as harbour dues.

12 THE WITNESS: What I meant was pilotage dues.

13 MR. JACQUES: Thank you, sir. Thank you
14 for coming.

15 Mr. Richards.

16
17 WALLACE J. RICHARDS

18
19 MR. JACQUES: My lord, I don't think it will be
20 necessary to swear this witness.

21 THE CHAIRMAN: No.

22
23 DIRECT EXAMINATION BY MR. JACQUES:

24
25 Q. Would you state your full name?

26 A. Wallace J. Richards.

27 Q. How old are you?

28 A. Sixty-two.

29 Q. What is your occupation?

30 A. Sales Manager.



1 Q. For which company?

2 A. North Star Cement Limited.

3 Q. How long have you been in that occupation?

4 A. Practically eleven years.

5 Q. Have you spent much of your time in
6 Corner Brook or elsewhere?

7 A. Yes.

8 Q. Always in Corner Brook?

9 A. I have been living here for eleven years,
10 since I joined the company.

11 Q. Have you prepared any statistics for the
12 outward and inward cargos received and shipped by your
13 company for the last three years?

14 A. Unfortunately, we haven't. We can give
15 you figures. We could have them prepared for you and
16 forwarded to you as you need them. Do you wish them
17 boat by boat?

18 Q. By boat only?

19 A. Do you want the individual boats?

20 Q. If you could give us the name of the ship
21 and the total amount of cargo which you shipped and also
22 port of destination and where the cargo came from?

23 A. Yes, we can do that.

24 Q. It will be taken down and it will go into
25 the record.

26 A. Will it be all right for us to prepare
27 it for you and give it to you? I can't give it to you
28 now.

29 Q. Would you give us what you have now?

30 A. For 1961?



1 Q. 1962.

2 A. 28,155 short tons of cement.

3 Q. Was this shipped to foreign ports or
4 Canadian ports?

5 A. Canadian ports.

6 Q. Only to Canadian ports?

7 A. Yes. It involved 34 boats, 34 motor
8 vessels or s.s. boats.

9 Q. Which were used to ship this cement out?

10 A. Yes.

11 Q. Do you have any inward cargo?

12 A. We had some last year, which was very
13 negligible, just the paper bags. Usually they come in
14 through the Western Terminals, but we can give you what
15 we got in last year.

16 Q. Would these 34 ships be Canadian ships?

17 A. They would be under what they call coastal
18 licence. That is an English, such as the Dorsetbrook,
19 which has been a very prominent ship with us for the
20 last two or three years. I might say that I was away.

21 Q. If you would be kind enough to prepare
22 that and would you prepare it for the years 1960, 1961
23 and 1962?

24 A. Yes. I can give it to you for 1961.

25 We had 42 boats in 1961. We loaded 33,459
26 short tons of cement. It doesn't make any difference
27 which way it goes, whether in bag or bulk.

28 Q. Was that to Canadian ports?

29 A. Yes.

30 Q. And in 1961 would it be of the same type



1 and registry?

2 A. Yes. There are some English boats and
3 there are some Canadian boats. There are twelve boats
4 involved altogether. So we can give you each individual
5 shipment, and the number of tons.

6 Q. We would appreciate that, sir.

7 When you say you loaded 34 boats, it may be
8 the same boat sometimes?

9 A. Yes, it was 34 shipments, and one boat
10 may have been involved 24 times in that in the year.

11 Q. Would you be able to show in your statistics
12 the port of registration of the vessel and her net tonnage?

13 A. I think we can in nearly every case.
14 If not, we can get it for you.

15 COMMISSIONER SMITH: Do you know offhand the
16 total amount of pilotage you paid in 1962?

17 THE WITNESS: I am sorry, sir, we didn't pay
18 any pilotage whatever.

19 COMMISSIONER SMITH: None at all?

20 THE WITNESS: No. We charter a boat from the
21 third party. I have been in Montreal and I have advised
22 the gentleman who has been working with us for three
23 years, Mr. H. C. Druce, ---

24 COMMISSIONER SMITH: Are those not pilotage
25 charges buried somewhere in the charter party?

26 THE WITNESS: No. All we do is pay so much
27 per ton for the cement that is taken out. The pilotage
28 is borne by the charter, which in most cases is Mr. H. C.
29 Druce.

30 COMMISSIONER SMITH: The question I was going



1 to ask is irrelevant, so I won't pursue it any further.

2 MR. JACQUES: I know a little bit about the way
3 Mr. Druce operates. Mr. Druce has two types of charter.
4 He may charter a ship at a time and charter for one or
5 two or three years and then subsequently obtain voyage
6 charters from people like North Star Cement, and it is
7 sometimes borne by the ship itself and it comes out of
8 the hire, and sometimes it is borne by the second charter.

9 THE WITNESS: I think the Pilotage Commission
10 could give you that information as far as we are concerned.

11 MR. JACQUES: I think we are getting the in-
12 formation.

13 Thank you very much, sir. The Secretary will
14 give you the address of the Commission in Ottawa.

15 THE WITNESS: Yes. How many copies would you
16 want, sir?

17 MR. JACQUES: Five copies.

18 Mr. Dawe.

19
20 -----

21
22 ARNOLD HECTOR WARREN DAWE, (Continued)

23
24 DIRECT EXAMINATION BY MR. JACQUES: (Continued)

25
26 Q. Now, sir, under the same oath you gave
27 yesterday, I believe when we left off we were discussing
28 the various percentages of the total revenue you had
29 prepared for the Commission showing that the pilots had
30 received about 54.8 per cent of the total revenue and



1 that your boat operation was approximately 30 per cent
2 of the revenue, and you stated that these were basic
3 figures compiled from 1952 to 1962 and particularly the
4 figures concerned the operation of the pilot boat in-
5 cluded the cost of building that boat?

6 A. Yes, sir.

7 Q. Now, have you prepared the figures
8 showing what the percentage of the total revenue would
9 be for the operations of the boat only, not taking into
10 account construction cost?

11 A. I think I have some figures here which
12 may support that claim. You see, the figures I gave
13 yesterday may be a little misleading inasmuch as the
14 construction of the boat, the purchase of a new engine
15 and replacement of the engine with a heavier one was
16 included, which brought our overall cost, including
17 operation, up to \$50,876.00 over that period, and putting
18 this on a percentage basis, I find that the boat plus
19 the operation or, I would say, the boat operator, would
20 be around 30.69 per cent. But in the year 1962 we had
21 a revised rate in pilotage, and our pilots were paid
22 67.07 per cent for that year as compared with the over-
23 all percentage which I stated yesterday of 54.8 per
24 cent. This may have a tendency to either improve or
25 to maintain it.

26 Now then, when there are new rates revised
27 and approved by Order-In-Council, it gave us the
28 authority to collect ten dollars boat hire for each
29 time a boat was used in embarking a pilot and disembarking,
30 which we never had before. So we should be able to



1 run our boat according to those figures without any major
2 breakdowns and so forth at a rate of 11.45 per cent of
3 the revenue. I mean the revenue collected by pilotage.
4 I have taken \$3,183.90, boatmen, \$5,065.80, totalling
5 \$8,249.70. We collected \$4,480.00 for boat hire, which
6 will decrease that amount to \$3,769.70, which means
7 there was only \$3,769.70 taken out of the pilotage revenue
8 excluding the boat hire, which means that last year our
9 boat operation, plus the boatman, amounted to 11.45 per
10 cent.

11 Q. Of the pilotage revenues, excluding the
12 boat revenue?

13 A. I have taken these total costs, as you
14 see, of the boat operation and the boatman's time or
15 charges, and have credited it \$4,480.00, which means
16 \$3,769.00 was borne by the pilotage in and out revenue.

17 That is what I wanted to make clear on the
18 overall picture. As we came up it formed 54.8 per
19 cent of the total revenue.

20 Q. Including the cost of building the boat?

21 A. Yes, and all expenses incidental thereto.
22 Now, by taking last year, the pilots received 67.07
23 per cent of the revenue collected for pilotage.

24 Q. And in this figure which you give as
25 being pilots' remuneration, for instance the cost of
26 uniforms would not be included?

27 A. Yes, the cost of uniforms is included
28 in this.

29 Q. In the pilots' remuneration?

30 A. Yes, it is the total remuneration. It is



1 compiled of salaries and the proportion of surplus funds,
2 and in the surplus funds, as was stated yesterday in
3 our financial statement, there is the annuity figure,
4 and that is included as well.

5 Q. In other words this 66 per cent represents
6 the total money which the pilots received, and also the
7 cost of all the other advantages which they received?

8 A. That is right.

9 Q. This is a rough draft which you have
10 in your hand. Would you be kind enough to prepare it
11 in final form and send it to the Commission?

12 A. Yes.

13 Q. It is most interesting for us. Now sir.
14 reverting to the pilots, do they have vacation, or leave
15 of absence, or sick leave?

16 A. They have leave of absence if they can
17 work it out between themselves to take a week off without
18 creating any hardship on any other of the pilots. It is
19 something they can work out between themselves, and they
20 can forecast within a week or so just what the volume
21 of business might be, and if they can grab a week or a
22 few days off, they are entitled to do so.

23 Q. Do you control the number of days they
24 take off during a year? Do you set a limit on the
25 number of days?

26 A. No. We have had no occasion to do so.
27 It has never been abused as far as I know.

28 Q. Do they let you know when they go away
29 and where they are?

30 A. Yes. In the case of the boatman we have



1 demanded that he take one day off a week.

2 Q. Why is that sir?

3 A. Because sometimes he is working seven
4 days a week for two or three weeks, and there again it
5 is worked out with the pilots, and if at all possible one
6 of the pilots will relieve him as boatman for his day
7 off. We have not made any arrangements for sick leave.
8 We had a case last year when one of our pilots was
9 sick, and with the consensus of the pilots and the Board
10 we talked it over, and we carried on his pay.

11 COMMISSIONER SMITH: Excuse me just a minute
12 please Mr. Jacques. What are his hours, this boatman?
13 How many hours a day does he work?

14 THE WITNESS: He is on twenty-four hours call
15 day and night.

16 COMMISSIONER SMITH: And he has one day a week
17 off?

18 THE WITNESS: Yes.

19 COMMISSIONER SMITH: You forced that on him.
20 I don't mean it quite that way, but you recommend that
21 he take a day off a week?

22 A. Yes, and if he can't take the second day
23 off when there is a slack period he can do so, but it
24 must be arranged among themselves.

25 Q. Well, we have had some evidence in certain
26 places where both men are much higher paid than your
27 man here. I was wondering if he was overworked,
28 or underworked, or just what the working conditions
29 were?

30 THE WITNESS: I have not heard too many



1 complaints, therefore I can't say.

2 COMMISSIONER SMITH: He is a good workman,
3 and he works hard?

4 THE WITNESS: I would say yes.

5 COMMISSIONER SMITH: And he is on call six
6 days a week?

7 THE WITNESS: Yes.

8 COMMISSIONER SMITH: That is good enough.

9 Q. I don't know whether I brought that out
10 yesterday, but your pilots subscribe to a sort of
11 annuity, do they not?

12 A. Yes.

13 Q. And that has been installed recently.
14 I think you explained that?

15 A. Yes.

16 Q. I would ask you to bring the policy
17 applicable to these pilots?

18 A. The pilot has one. Can I get it from
19 him?

20 MR. JACQUES: Yes, please, if you would.

21 Q. This is a policy issued by the Manufacturers
22 Life Insurance Company of Canada, and it is a retirement
23 savings annuity, payable during the lifetime of the
24 annuitant, with 120 monthly payments guaranteed in any
25 event. It is non-participating.

26 I wonder if a pilot could obtain
27 a copy of this policy so that it could be
28 forwarded to the Commission? I don't wish to file
29 this original policy.

30 THE CHAIRMAN: Or could you have it for some



1 time and then have copies made of it? Wouldn't that be
2 easier?

3 MR. JACQUES: Yes my lord.

4 THE WITNESS: That is okay with me, with the
5 consent of the pilot.

6 MR. JACQUES: Yes, of course, definitely.
7 We will ask him.

8 COMMISSIONER SMITH: It is not negotiable anyway.

9 THE WITNESS: We endeavoured to get our
10 pilots under a pension scheme, a sort of a government
11 or a civil service pension scheme, which we couldn't do,
12 and eventually we wrote to the Department of Labour, as
13 well as to the Department of Finance, requesting their
14 assistance, and I have this correspondence, which was the
15 deciding factor of what we should do about a pension
16 scheme. So I have those letters there. They are
17 a bit long.

18 Q. You may perhaps not read them all, but
19 give us a summary of these letters, and also what
20 happened after all these negotiations?

21 A. Well, both letters refer to our application
22 for assistance in formulating a pension plan, and each,
23 both the Department of National Revenue and the
24 Department of Labour, came out with similar answers.

25 Q. When was that?

26 A. May the 4th, 1962.

27 COMMISSIONER SMITH: You didn't write the
28 Department of Transport?

29 THE WITNESS: We wrote the Department of
30 Transport first, and the Department of Transport came back



1 and suggested that we write to the Department of Labour,
2 as well as the Department of National Revenue, so it
3 was on their advice that we wrote those two.

4 Q. And in short what did the two departments
5 tell you?

6 A. A booklet of principles and rules relating
7 to pension plans and a subsequent bulletin dealing with
8 the same subjects have both been drawn from circulation,
9 so that now there is no available code or context regard-
10 ing pension plan requirements, and if we may do so we
11 would suggest that you approach the insurance companies,
12 who are not only familiar with our requirements, but can
13 give you the necessary quotations as to the rates of
14 premiums required to be paid to provide the members
15 pension benefits.

16 This Division is not in a position to, nor can
17 it undertake to set up the terms of a pension plan
18 for you.

19 As a result of which we called in the
20 Manufacturers Life and contacted another couple of
21 insurance companies, and we thought that the Manufacturers
22 Life had as good an annuity to offer as anyone.

23 Q. And it was accepted by the pilots?

24 A. The pilots were called together, and we
25 told them, the Commissioners were present, all the
26 pilots were present, and after talking this over between
27 the pilots and the Commissioners, we invited the re-
28 presentatives of the Standard Manufacturers to come in
29 with us and explain their proposition, after which, when
30 that was explained fully, the pilots and the boatmen



1 concerned held a meeting among themselves, and brought
2 the results back to us with their approval that we
3 negotiate a pension plan, or an annuity, along those
4 lines.

5 Q. And the payment of the premium for these
6 policies, I believe, is made directly by you?

7 A. On behalf of the pilots, yes.

8 Q. Have you any authorization to do so by
9 the pilots?

10 A. Yes, I have authorization from each of
11 the pilots: "I hereby authorize you ---", this is to
12 the Board of Pilotage Commissioners for Humber Arm,
13 July the 1st, 1962: "I hereby authorize you to pay
14 the annual premiums on my pension policy issued by the
15 Manufacturers Life Insurance Company, as applied for
16 in application dated July the 1st, 1962, and for that
17 purpose you are authorized to deduct from my annual
18 earnings the sum of \$534.40 each month, commencing with
19 the first premium due July 1st, 1962. Such deductions
20 shall cease upon termination of my employment by you or
21 the completion of the payment of the policy".

22 COMMISSIONER SMITH: What is that amount?

23 THE WITNESS: The four of them are different,
24 by virtue of the different ages.

25 COMMISSIONER SMITH: But that one there is
26 five hundred and something per month, did you say?

27 THE WITNESS: He happens to be the youngest
28 one.

29 COMMISSIONER SMITH: You said a month.

30 I was wondering is it a month or what?



1 THE WITNESS: No, each year.

2 Q. To the best of your knowledge would the
3 benefits be the same on the three policies actually in
4 force? Would the pilots have the same benefits?

5 A. At the age of retirement?

6 Q. Yes?

7 A. Yes, that was our intention.

8 Q. Would you know offhand what these benefits
9 would be?

10 A. You couldn't say exactly. We asked for
11 something in the neighbourhood of \$120.00.

12 Q. A month?

13 A. A month. At the age of retirement,
14 and then there would be guarantees besides that, that
15 if they should die --- I had better let you read the
16 policy.

17 Q. It is just for the record, so that it can
18 be understood. What is the retirement age?

19 A. Sixty-five.

20 Q. I have noted that in your by-law there
21 is no charge for detention. For example, when a pilot
22 is called and he has to wait several hours before the
23 ship leaves the dock, or arrives at the pilot station.
24 Has this subject ever been discussed by the pilots,
25 or by the Commission?

26 A. It has been discussed by the pilots.

27 Q. Have they made any representations to
28 the Commission?

29 A. Not formally, but let us say casually.
30 It has been brought up very often by the pilots.



1 Q. But has this been brought to the attention
2 of the Commission?

3 A. Not officially.

4 Q. But unofficially?

5 A. Yes.

6 Q. What was said to the Commission in that
7 respect?

8 A. Well, the remark was made to me on a
9 few occasions that when they have to wait for so long
10 for boats they should be paid for it.

11 COMMISSIONER SMITH: Are they often delayed
12 in that connection?

13 THE WITNESS: Quite often. There are various
14 reasons for it. I don't know who is to blame, but some-
15 times a ship is scheduled to sail for say four o'clock,
16 and the pilots are advised accordingly, and for some
17 reason they vary, and it does not sail before six
18 o'clock. The pilot boat may be out standing by
19 wherever he is asked to take off the pilot. Officially
20 it is Frenchman's Head.

21 Q. Would you tell us when the pilot boat
22 was built?

23 A. 1955.

24 Q. Where was she built?

25 A. Rocky Harbour, Thorn Bay, Newfoundland.

26 Q. What was the total cost, including equip-
27 ment?

28 A. The first year the initial cost was
29 around \$10,000.00.

30 Q. Do you have the exact figure? I think,



1 sir, it was given yesterday. I am awfully sorry if I
2 am repeating myself, \$10,634.83.

3 A. That was the boat initially, just in 1955,
4 but in 1956 we could almost say a continuation of
5 building the boat, when we were completing her by sheathing
6 with greenheart, and putting in equipment, et cetera.

7 Q. Yes sir. This appears in Exhibit 271,
8 which is a statement of extraordinary expenditures to
9 pilot boat between 1955, the year she was built, and
10 1962?

11 A. No, it is not shown there. Yes, it is
12 included there. It may not be right to the cent.

13 MR. JACQUES: But that is quite sufficient,
14 sir.

15 Q. Now, sir, I show you a document entitled
16 "Board of Harbour and Pilotage Commissioners for Humber
17 Arm, memorandum of operation, dated 30th October, 1941."
18 Would you tell me if this document comes from your files?

19 A. Yes, it comes from my file.

20 Q. And to the best of your knowledge, was
21 that the set of by-laws or rules and regulations which
22 governed your district before the present set of by-laws?

23 A. That is right.

24 Q. It was?

25 A. Yes.

26 Q. Now, sir, on page 2 of this document
27 we read in pencil:

28 "The following regulations made by Board were

29 "approved by..." and I cannot read the rest.

30 Would you recognize this handwriting?



1 A. "The following regulations made by Board
2 were approved by Mr. Manning, the Secretary, Department
3 of Public Works, 22nd November, 194..." something. It
4 could be 1941.

5 Q. You wouldn't have the original of these
6 documents in your file, would you?

7 A. No, I am sorry, I don't have it.

8 MR. JACQUES: We perhaps might file this
9 as Exhibit number?

10 THE SECRETARY: 285.

11
12 ---EXHIBIT No. 285: Document entitled
13 "Board of Harbour
14 and Pilotage Commissioners
15 for Humber Arm. Memorandum
16 of operation, dated 30th
17 October, 1941.

18 MR. JACQUES: And the Commission will return
19 this document to you after making photocopies of it,
20 and we will check with the Provincial Secretary for
21 Newfoundland and see if we can have the originals.
22 This is a memorandum of operation dated 30th October,
23 1941, for the Board of Harbour and Pilotage Commissioners
24 for Humber Arm.

25 Q. Now, sir, at the end of each fiscal
26 year do you supply your pilots with your financial
27 statement?

28 A. No.

29 Q. Have you ever been requested by the
30 pilots to do so?

A. Yes.



1 Q. Have you done so when you were so requested?

2 A. On one occasion, the case of an ex-pilot.

3 Q. But the present pilots?

4 A. No.

5 Q. They have not requested you to show
6 the financial statement for the year?

7 A. No.

8 Q. Now, sir, I come to the minutes of the
9 Board of Pilotage Commissioners for Humber Arm from
10 1957, February 13th, to the last meeting, which is
11 March 18th, 1963. Would you glance through these
12 and tell me whether they originate from your office?

13 A. Yes, they do.

14 Q. Would you then file these as Exhibit
15 number?

16 THE SECRETARY: 286.

17
18 ---EXHIBIT No. 286: Minutes of the Board of
19 Pilotage Commissioners
20 for Humber Arm from
21 February 13th, 1957, to
22 March 18th, 1963.

23 Q. 286, Minutes of the Board of Pilotage
24 Commissioners for Humber Arm from February 13th, 1957,
25 to March 18th, 1963?

26 A. Yes.

27 Q. Now, lastly, sir, if you will take your
28 copy of your by-law, Exhibit No. 269, and I would refer
29 you first to Section 2, paragraph (b): "Coasting
30 vessel or coastal vessel", in the definition.

I am instructed that before Confederation



1 there was a difference between a coasting vessel and a
2 coastal vessel, and I see that now the definition makes
3 them both the same.

4 A. Well, we were a little confused there,
5 and in order to clarify it -- in the Chapter 169 of the
6 Consolidated Statutes it mentions there a bona fide
7 coasting vessel is exempted. We interpreted that to
8 be a vessel trading around the coast of Newfoundland,
9 and a coastal vessel could be trading from Newfoundland
10 to a foreign port, and Canada was a foreign port before
11 1949. Therefore we wanted to clarify them so that
12 there would be no confusion.

13 A coasting vessel means a vessel trading
14 exclusively around or along the coast of Newfoundland
15 and not arriving from or sailing to any port outside of
16 Newfoundland.

17 Q. You wanted to clarify them?

18 A. Yes.

19 Q. Would you turn to Section 8, Sub-paragraph
20 2, which reads:

21 "Pilots who are about to be engaged are

22 "required to undergo an examination by the

23 "Board or by some qualified person appointed

24 "by the Board before a licence is issued."

25 During your term of office have you ever
26 held any examination of pilots, applicants?

27 A. No.

28 Q. Has there been any examination of pilots
29 since you have been in office?

30 A. Yes.



1 Q. Who held the examination?

2 A. I am not clear on this; I will have to
3 check this. An examiner of masters and mates for one
4 of our pilots and a representative of the Steamship
5 Inspection Company, for the permit for the boatman,
6 engineer's permit.

7 Q. And did the Board interview the applicant
8 at any time?

9 A. Yes. But here again, you see, pilot
10 Johnson was a qualified pilot when we came into being,
11 and when we issued him a licence he had, I think,
12 qualified himself or had convinced everybody that he
13 was capable of doing pilotage by his long length of
14 service prior to then.

15 In the case of Mr. Mallay, our second pilot,
16 he was engaged as a sort of probationer pilot along with
17 Mr. Johnson and ex-pilot Dyke for a period of time,
18 and we knew him well and had seen him going into Corner
19 Brook on the old S.S. Corner Brook, and he had his
20 master's ticket, home trade, and his mates, foreign-
21 going, so we thought that was qualifications enough,
22 certificate enough, experience enough to convince us
23 he was a qualified pilot.

24 Q. Apart from his qualifications did you
25 and the other members of the Board know Mr. Mallay
26 personally?

27 A. Yes.

28 Q. So you felt there was no point in having
29 a interview with the man?

30 A. Yes.



1 Q. You knew he was of a sober nature?

2 A. Yes.

3 Q. What about the third pilot?

4 A. Similarly to Mr. Mallay, he was well known
5 in the waters of Corner Brook for a long period of time.

6 Q. Did he serve a probationary period?

7 A. Yes.

8 Q. For how long would that period be?

9 A. From July, 1960, until, say, April the 1st
10 of this year. That is when he got his first licence.
11 But he had been acting as a probationer pilot, and before
12 he was issued a licence he brought in all vessels of shapes
13 and sizes.

14 Q. Was he limited as to type, as to tonnage
15 before he was issued a licence?

16 A. No.

17 Q. As to season of the year?

18 A. No.

19 Q. How long a period of probation did Mr.
20 Mallay serve?

21 A. Mr. John Mallay joined the pilotage service
22 on July 1st, 1954, and he was issued the first licence
23 on April 1st, 1955. During that period he was piloting
24 ships of various sizes.

25 Q. Without any restriction whatever?

26 A. Without any restriction.

27 Q. Now, sir, as regards Section 9 of your
28 by-law concerning the pilot boat, I think you said your
29 pilot boat is licensed to carry passengers, didn't you,
30 yesterday?



1 A. The pilot boat is registered, and because
2 she is registered we have to get a coasting licence
3 annually, every year, which is supplied by the Customs
4 Department only after we give the Customs Department
5 a certificate of satisfactory condition, properly fitted,
6 issued by the Canadian Steamship Inspection Office, and
7 therefore listed on that is the number of passengers she
8 is allowed to carry.

9 Q. Now, does anyone among the members of the
10 Commission ever check if the pilot boat carries a
11 regulation flag by day and regulation light by night?

12 A. We make sure that the flag is on board
13 and the regulation lights are in working order, and I have
14 never seen the boat in the daytime on duty without the
15 flag and I have never seen her operating at night without
16 the operation lights.

17 Q. Now, sir, Section 12 of your by-law con-
18 cerning vacation states that the pilots are to have two
19 weeks vacation with pay. Have they, in fact, taken two
20 weeks vacation?

21 A. No, sir. It says that it is to be taken
22 during the closed season only, except owing to unforeseen
23 circumstances when the Board may grant vacation at other
24 times.

25 Q. But have they taken two weeks off,
26 regardless of the time?

27 A. I don't think there is any one period.
28 They may have taken two weeks in a period of time, but I
29 don't think they have taken two weeks consecutively,
30 except in the wintertime, of course.



1 Q. When the port is closed?

2 A. Yes.

3 Q. Now, sir, Section 15, which states that
4 "Pilots shall keep themselves informed and varify from
5 time to time depths of water alongside all wharves and
6 approaches to wharves and of the anchorages within the
7 Pilotage Limits."

8 Do you know if pilots do take soundings along
9 the wharves?

10 A. Yes, they do.

11 Q. Would you say when they do that, how
12 often?

13 A. No, but I am fully convinced that they keep
14 themselves fully conversant at all times with all obstructions
15 and depths of water along the waterfront.

16 Q. Section 20, concerning maintenance of
17 pilot house at the pilot station. When you used the
18 pilot station, did the pilots assist in maintaining it
19 in good condition?

20 A. Yes. We didn't see much fault with it.
21 But when this by-law was written it was at a time when
22 communications were improving and we could foresee that
23 the pilot house may not be necessary or so extensively
24 used in the future. However, when it was in use it was
25 kept in good condition. A new chimney was put on it.

26 Q. Now, sir, coming to Section 24, Sub-
27 paragraph (b), concerning the dues, and I read there that
28 pilotage dues must be paid when a pilot offers his
29 services to a vessel and the master or person in charge
30 of the vessel refuses to accept pilotage services. Would



1 you tell us what you consider here in Corner Brook a
2 sufficient offer of service? Would you say that the
3 mere fact that the pilot boat has a flag, would you
4 consider that in Corner Brook a sufficient offer of service?

5 A. I would. But at the same time any vessel
6 which is subject to the payment of dues, whether he wants
7 a pilot or not, he should notify the pilot before entering
8 the port that he does or does not require a pilot.

9 Q. Do you ever have any difficulty collecting
10 dues from ships which did not use pilots?

11 A. Yes.

12 Q. Would you tell us about that, please?

13 A. I can refer to a few instances. Some
14 masters refused to pay pilotage because they didn't think
15 it was compulsory pilotage in the port, but once we
16 straightened it out with them or with the owners and
17 convinced them it was a compulsory pilotage port, they
18 came across with the pilotage dues.

19 In one or two instances over the years I think
20 we were outstanding on one or two boats. Except the
21 Dorsetbrook; we have not been paid for it for some time.
22 We didn't press it because we think the agent or the
23 charterer will come across in a reasonable period of time.

24 Q. As regards the "Dorsetbrook", is she
25 refusing payment because they are of the opinion that
26 pilotage dues are not compulsory?

27 A. No, certainly not, and besides that, the
28 "Dorsetbrook" to the best of my knowledge, always carries
29 a pilot.

30 Q. What arguments did you put forth to convince



1 the agents and shipowners that pilotage is compulsory
2 in Corner Brook?

3 A. This by-law here, which refers to the
4 exemptions under 2(b). Your exemptions are listed
5 under 25, and if they are not in the category of exemptions
6 there, they have to pay you pilotage.

7 Q. From the financial reports which you filed
8 yesterday it appears that at least for quite a few
9 years the District has operated with a surplus of revenue
10 overexpenditure. Is that correct?

11 A. Yes.

12 Q. I am instructed that in the past it was
13 not always so. Would you have any knowledge of that?

14 A. Well, the only knowledge I have is the
15 financial statements during the past, prior to, since
16 1942, I believe.

17 Q. What would these statements show? Would
18 they show a profit or a loss, or a surplus of expenditure
19 over revenue?

20 A. They showed sometimes a surplus of
21 expenditures over revenue, and vice versa, but I have
22 never seen any financial statement where they have been in
23 the red, or owed any money.

24 Q. Well then, how was the surplus of expenditure
25 over operation absorbed?

26 A. It was just written off against the
27 previous payments.

28 Q. So they were living off past profits?

29 A. Yes.

30 Q. Would you tell the Commission up to what



1 amount they have lived off past profits, and between what
2 years?

3 A. In 1951, expenditures over income was
4 \$650.06; in 1950, expenditures over income was \$2,480.37;
5 in 1949, expenditures over income was \$3,051.70. Is that
6 far enough back?

7 Q. Are you able to ascertain from your file
8 what the cause of this surplus of expenditures would be?

9 A. I think the trouble is that they brought
10 up the pilots' wages in accordance with the higher cost
11 of living and so on, and there had never been an increase
12 in revenue from 1924 until 1952, and therefore any
13 revenue, or a surplus of revenue that the Commissioners
14 had on hand was absorbed by the increase in remuneration
15 to the pilots and the boatmen, without any extra revenue
16 to offset it.

17 Q. Now sir, correct me if I am wrong, but
18 I am instructed that for a certain number of years Bowaters
19 Company here only paid half pilotage on their ships?

20 A. From pilotage records I have no knowledge
21 of this.

22 COMMISSIONER SMITH: If your lordship pleases,
23 I would like to ask this witness a question, and before
24 I ask it I want to preface it with this statement. That
25 in asking this question I do not in any way want to
26 reflect upon the sincerity, or upon the honesty, or the
27 capacity of the witness, or of the Commission.

28 From the evidence that has been given here,
29 as Counsel has said, it is interesting, but it is more
30 than interesting. It is most comprehensive, and if we



1 could get the same sort of statistical information else-
2 where as we have got from you I think we would be quite
3 happy about it.

4 Now I come to my question, and before I do
5 I want to say this, that it is generally understood that
6 a pilot is a self-employed professional man. As such,
7 what he earns ordinarily is put in the pot, and a division
8 is made at the end of the year, or whatever appropriate
9 time is decided by those in authority, the Commission.
10 Now, my understanding is that of the revenue of the pilots
11 in 1962, the pilots received, correct me if I am mis-
12 stating anything, received 67.07 per cent of the total.
13 Is that correct?

14 THE WITNESS: In 1962?

15 COMMISSIONER SMITH: Yes?

16 THE WITNESS: Yes.

17 COMMISSIONER SMITH: That is correct?

18 THE WITNESS: Yes.

19 COMMISSIONER SMITH: Now I come to this,
20 it is a little hard to understand why a statement was not
21 submitted to them of the financial operations for the
22 year. I think Counsel asked you, and your answer was
23 that no statement was submitted, and none was asked for.
24 Am I correct in that?

25 THE WITNESS: I don't think I said none was
26 asked for.

27 COMMISSIONER SMITH: Well, I withdraw that
28 part of it then. I perhaps misunderstood it. Anyway,
29 no financial statement of receipts and disbursements
30 for 1962 was submitted to the pilots?



1 THE WITNESS: No.

2 COMMISSIONER SMITH: Well, is there any good
3 reason for that?

4 THE WITNESS: None that I know of.

5 COMMISSIONER SMITH: Well then, in ordinary
6 business circles that is pretty customary, I think, don't
7 you? I mean, I don't know, as I say, I am not questioning
8 anybody's sincerity, or anybody's honesty, but I am just
9 wondering why in this case that procedure was not
10 followed, and if you haven't got any reason, why that is
11 that.

12 THE WITNESS: No, I have no particular reason
13 for it, except the question was brought up before the
14 Board, and it was decided by the Board not to give them
15 a statement. We didn't know, under the way we were
16 operating we didn't know, and still don't know, what is
17 demanded of us. That is one of the questions I have been
18 dead against. We are always working in the interim,
19 and we don't know what is right or what is wrong. I
20 retract that. We do, but we don't know how much we
21 will be supported in our undertakings.

22 COMMISSIONER SMITH: Yes, but perhaps I am
23 not understanding the situation, but a self-employed man,
24 he earns some money, and it is put into a fund, and
25 it is his money. It seems to me that he should have
26 some statement as to what happens to his own resources.
27 However, your Commission decided otherwise, and that
28 is that.

29 THE WITNESS: Until somebody tells us we have
30 to do it.



1 THE CHAIRMAN: I am just wondering if there
2 would not be an answer in the history of pilotage down
3 here. I am looking at Exhibit 285, which is the by-law
4 of October, 1941. I see here personal remuneration, and
5 I see especially that chief pilots shall be paid
6 \$190.00 per month during shipping season. Then it goes
7 on for the others. An annual bonus may be paid to the
8 pilots and the boatmen for satisfactory service. This
9 bonus shall not exceed for the chief pilot \$100.00 for
10 each month served, and for the second pilot \$70.00 for
11 each month served, and for the boatman, \$25.00 for each
12 month served. The amount paid as bonuses to be at
13 the discretion of the Board.

14 So therefore it is from this by-law that in
15 1941 the pilots were employees of their employers, the
16 Pilotage Commission. So this was in 1941.

17 Apparently from what I can see from the
18 evidence also it was the same thing before, because a
19 surplus accumulated, which is inconsistent with a trust
20 fund, so maybe that is it. I don't know.

21 MR. JACQUES: Also, my lord, Section 8 of the
22 present by-law, paragraph 1, which reads as follows:

23 "The Board shall engage the required number
24 "of pilots as and when required."

25 THE CHAIRMAN: So they would not have any
26 say as to the number of pilots. It is the old question
27 as to the concept of what is a pilot.

28 MR. JACQUES: Section 26(1):

29 "Pilots shall be paid a semi-monthly salary,
30 "the amount of which shall be determined for



1 "each pilot by the Board at its annual meeting
2 "of January or February each year."

3 Then Section 27, Distribution of Surplus Funds.

4 MR. W. J. SMITH: I don't know if the Commission
5 have a copy of the judgment which came down June the 28th,
6 1956?

7 THE CHAIRMAN: Yes, we do have.

8 MR. W. J. SMITH: I respectfully submit, my
9 lord, that that is the law of our province at the present
10 time, and it is clearly set out in its various details
11 in the Consolidated Statutes from Chapter 179 down to
12 the Union with Canada. Particularly Chapter 179 never
13 had the authority for this particular by-law, and it is
14 ultra vires of the Act, because there is no such authority
15 in it.

16 The brief submitted to the Commission states
17 in detail that the Board was established under the
18 provisions of Chapter 179, and Chapter XXVII of 1930,
19 Act No. 34, 1934, Act No. 1, 1938, and Act No. 24, 1941.
20 Originally, I believe my lord, when the pilotage was
21 set up here for the Port of Corner Brook it was under
22 Chapter 179. In 1941 it was changed, and was under the
23 Act of the Board of Harbour and Pilotage Commissioners
24 for Humber Arm. For example, the Port of Corner
25 Brook was never set up as a harbour, and it never had
26 a harbour board.

27 The Act varies with other Acts. That remained
28 the position up to Confederation of 1949, and with the
29 advent of Confederation in 1949, as the brief here sets
30 out my lord, Part VI of the Canada Shipping Act didn't



1 pertain to Newfoundland, and I think at the present time
2 has not been proclaimed.

3 In an effort to bring some order into the
4 situation that existed in Corner Brook, the Board were
5 very concerned with the situation in which they found them-
6 selves. They were operating under old statutes back
7 to 1916, some of 1941, one conflicting with the other.
8 Representation was made to the Department of Transport,
9 and as a result these by-laws were made, but unfortunately,
10 as the judgment of Sir Brian Dunfield of June the 28th
11 holds, there was never any authority in the Consolidated
12 Statutes for these by-laws, and as a result the whole
13 thing is ultra vires.

14 The concluding section of Sir Brian's judgment
15 reads:

16 "And incidentally, the scheme of Chapter 179
17 does not create the relationship of master and servant
18 between the Board and the pilot. If there was such a
19 relationship in the past it was extra-statutory. If the
20 Commissioners contracted outside the Act to pay salaries,
21 presumably they paid them, and the matter was closed."

22 A man is asked if he is going to work for a
23 certain salary per month, and says yes. He receives
24 his salary, and does not have the right to come back
25 and inquire if there was a surplus at the end of the
26 year, or otherwise. It is an unfortunate situation.

27 I think the Board supplied you with all
28 the information as far as they could. There has been
29 no effort to keep anything back from the gentlemen
30 of the Commission. All the facts which are in the



1 possession of the Board have been placed before you, but
2 the situation does exist where you have three members
3 as a Board of Pilotage Commission with absolutely no
4 legal authority whatsoever for their actions. They are
5 outside the scope of the statutes in the old Newfoundland
6 days, and outside the scope of the Canada Shipping Act,
7 because it has never been proclaimed.

8 The brief sets forth, my lord, and I must
9 respectfully ask the Commission to take into account,
10 this situation which exists in the port, and as the
11 Commission sets out one way of remedy is that Part VI
12 of the Canada Shipping Act be proclaimed for Newfoundland.
13 The by-laws could then be made, with certain exceptions,
14 that they felt that coastal boats registered in Newfound-
15 land, just using Newfoundland ports, would be exempted.
16 They also do feel, my lord, that the Board here has been
17 set adrift by itself, and has received little or no
18 assistance, either from the Federal or Provincial
19 Departments of government. They have received no
20 benefits by way of assistance in any way in carrying out
21 either the operation of the pilot boat, or any other
22 consideration as regards the District itself.

23 They feel that under the circumstances they
24 have probably been really performing a matter of a public
25 duty, except that it started off back in the early days
26 of I think 1924, and in 1924, my lord, may I suggest
27 with all respect that there was very little Corner Brook
28 here. It was only barely in its infancy.

29 COMMISSIONER SMITH: I just want to ask this,
30 leaving aside all the complications and the contradictions



1 that you have mentioned.

2 Is the position this, that the pilots offer
3 their services to the Commission for a stated salary,
4 annual or monthly, and they become part of that agreement.
5 That is the situation is it?

6 MR. W. J. SMITH: Yes.

7 THE CHAIRMAN: That is what the judgment says
8 also.

9 MR. W. J. SMITH: Yes.

10 THE CHAIRMAN: It says also that the by-laws
11 are ultra vires, but I don't think this has any bearing
12 on the case really. It is really an obiter dictum,
13 and it doesn't mean really that the by-laws are ultra
14 vires, because it is an obiter dictum, it was not a
15 point at stake.

16 MR. W. J. SMITH: I think it follows automatically.
17 I think Chapter 179 may be speaking about it as purely
18 a licensing matter. But it is not the nicety of the
19 judgment or the application of various acts as they apply.
20 The Board is quite interested, as the Commission is
21 itself, in the curing the situation whereby the port
22 may be put on a solid foundation and be able to do their
23 work properly, not only of the Board themselves but also
24 the people that use the port, and I most respectfully
25 submit that it requires your seriously consideration.
26 If the Commission wishes any further information that
27 we have in our possession, we would be only too pleased
28 to provide it.

29 MR. JACQUES: May the brief be filed now as
30 Exhibit 287?



1 THE CHAIRMAN: Yes.

2
3 ---EXHIBIT No. 287: Brief of Board of
4 Pilotage Commissioners
5 for Humber Arm, Newfound-
6 land.

7 MR. JACQUES: Would you, sir, have any
8 questions to put to this witness or any other witness?

9 MR. W. J. SMITH: I have no questions.

10 MR. JACQUES: I should now like to file the
11 pilots' brief as Exhibit 288.

12
13 ---EXHIBIT No. 288: Brief of Pilots
14 for Humber Arm,
15 Newfoundland.

16 MR. JACQUES: Before moving on to the pilots'
17 brief, I should like to say that as far as I am concerned
18 the administration of this district has been the best
19 that we have seen so far in districts administered by
20 local commissions. It is the only one where we wont
21 worry about what has been done with the revenue and where
22 the expenditures have gone, with such a high degree of
23 certainty.

24 THE CHAIRMAN: It is well administered also.

25 We will have a short recess.

26
27 ---SHORT RECESS

28
29 MR. JACQUES: May I have the senior pilot,
30 please?



CHARLES EDWARD JOHNSON, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Would you state your full name and age, please?

A. Charles Edward Johnson, age 51.

Q. And you are a pilot for the Corner Brook District, are you not?

A. Yes, sir.

Q. How long have you been a pilot?

A. Since July, 1948.

Q. Previous to becoming a pilot had you had any sea experience?

A. Yes, sir.

Q. Would you describe to the Commission that sea experience?

A. Well, I worked for Newfoundland Railway as master from October, 1945, until about July, 1948, when I came here.

Q. And prior to that?

A. I was with the United States Navy in charge of the aircraft crash boat from 1941 to 1945.

Q. And prior to that?

A. Well, we had our own vessels.

Q. Who is "we"?

A. My father, brother.

Q. What type of vessel was she?

A. Sailing vessel.



- 1 Q. What tonnage?
- 2 A. We had one 67, one 94 and another one 126.
- 3 Q. And for how many years did you work on these
- 4 vessels?
- 5 A. I started when I was thirteen.
- 6 Q. That is how many years?
- 7 A. I would say fourteen or fifteen years.
- 8 Q. Where did these vessels call?
- 9 A. Mostly go up to Labrador.
- 10 Q. Labrador Coast?
- 11 A. Yes, fishing.
- 12 Q. From where?
- 13 A. Catalina.
- 14 Q. Up the Labrador Coast?
- 15 A. Yes.
- 16 Q. What about this crash boat? Where was
- 17 she stationed?
- 18 A. Stationed at St. George's Bay for one year,
- 19 and at Wesleyville for two years.
- 20 Q. What was her size?
- 21 A. 120 feet long.
- 22 Q. Was she a motor vessel?
- 23 A. Yes, motor vessel.
- 24 Q. What was her speed?
- 25 A. Twenty-six.
- 26 Q. Did you go out to sea very often with her?
- 27 A. When I would get a crash.
- 28 Q. That is how many times a year?
- 29 A. Four crashes in three years. We had
- 30 different runs to go on.



1 Q. What runs?

2 A. Like taking a General around, one thing
3 and another.

4 Q. Where would you take him?

5 A. Botwood, Lewisporte, St. Pierre, wherever
6 he wanted to go.

7 Q. Did that happen too often?

8 A. No, not too often; probably about three
9 or four trips a year.

10 Q. Roughly how many days or weeks or months
11 did you actually spend at sea when you were on that
12 crash boat?

13 A. I would say I probably spent a month
14 out of twelve months.

15 Q. Now, on the Newfoundland Railway ships,
16 what sort of ships were they?

17 A. Small boats.

18 Q. What tonnage?

19 A. About 300 tons.

20 Q. About 300 tons gross or net?

21 A. Gross.

22 Q. Where did they call?

23 A. That was mostly to the West Indies.

24 Q. To the West Indies?

25 A. Yes.

26 Q. Foreign going?

27 A. Yes.

28 Q. What cargo did they carry?

29 A. Fish, molasses of rum.

30 Q. How many trips did you make down to the



1 West Indies, approximately?

2 A. Twenty-three trips.

3 Q. And you said you were a master on these
4 ships?

5 A. Yes.

6 Q. Did you start out as a master?

7 A. I was master on one ship.

8 Q. What sort of certificate did you hold?

9 A. First mate's.

10 Q. Foreign going?

11 A. No, home trade.

12 Q. Have you got a foreign going certificate?

13 A. No.

14 Q. When did you get your home trade mate's
15 certificate?

16 A. In St. John's, 1941.

17 Q. How many miles is it down the Arm?

18 A. Ten miles from the dock.

19 Q. Is there much current?

20 A. Sometimes you get a good current with an
21 east wind.

22 Q. What is the direction of that current?

23 A. Well, the strongest current we get is
24 from the south-east.

25 Q. Would it follow the channel or cross the
26 channel?

27 A. It mostly follows the channel.

28 Q. Does it create problems when you take a
29 ship in?

30 A. Sometimes, but there is no great problem.



1 Q. What would be the major problems you
2 encounter in your district when you are bringing a ship
3 in?

4 A. When there is a strong wind, a very strong
5 wind.

6 Q. How strong would it have to be to prevent
7 you from taking a ship in?

8 A. I would say 60 miles an hour.

9 Q. Does that happen very often?

10 A. No, sir.

11 Q. What do you do when the wind is that
12 strong?

13 A. It is only twice in the years I have been
14 there we have had to put a ship to anchor.

15 Q. I very well imagine your pilot boat
16 cannot go out with the wind that strong.

17 A. The pilot boat can go out and the ship
18 can come in.

19 Q. With a 60 mile an hour wind?

20 A. Yes.

21 Q. That must be hard going?

22 A. She is a very good little ship.

23 Q. How long does it take you to take a ship
24 from Frenchman's Point to the dock?

25 A. It depends on the weather. A normal time
26 would be, say, an hour and a half, tied up.

27 Q. Would that be the longest time?

28 A. No, trying to tie up.

29 Q. Let's say from the time that you board
30 the ship at the pilot station until you are off the dock?



1 A. Sometimes four minutes, fifty minutes,
2 depending on the ship.

3 Q. What is the longest time that you have
4 taken?

5 A. Two and a half hours, once, on the King
6 Dock.

7 Q. What happened there?

8 A. There was a strong wind out in the bay
9 and the top speed was about six knots at that time.

10 Q. So that is why it took you so long?

11 A. Yes.

12 Q. Are the ships you pilot equipped with
13 radar?

14 A. Most of them are, sir.

15 Q. Do you use radar as an aid to navigation?

16 A. Sometimes, when there is snow, fog.

17 Q. Do you find that it is reliable?

18 A. I do, sir.

19 Q. Do you rely on it?

20 A. Not necessarily. I am practically
21 always outside and I look out and make sure everything
22 is all right.

23 Q. Do you make use of sounding machines
24 here?

25 A. We do when we go to an anchorage.

26 Q. That is the only time?

27 A. That is all.

28 Q. What do you do when you are on board
29 a ship? Would you explain exactly how you give your
30 orders or what advice or whatever it may be?



1 A. Well, we go on board. The first one
2 we meet is the captain, shake hands, and in most cases
3 he will say: "She is all yours; go ahead." So the
4 wheelsman is there, we give him the orders that we want;
5 the third mate is there, and he handles the tiller.

6 Q. Does it happen that the master gives his
7 own orders to the wheelsman or the third mate, as the
8 case may be?

9 A. I haven't seen it, sir.

10 Q. Has it ever happened that a master has
11 taken a ship away from you?

12 A. No, sir.

13 Q. It has never happened?

14 A. No, sir.

15 Q. Now, in the case of fog, how long does
16 it take you generally to dock a ship here?

17 A. Well, and this is all according to the
18 weather.

19 Q. Do you have a tug?

20 A. No, no tug.

21 Q. Have you ever used a tug?

22 A. No.

23 Q. What do you do when the ship is blown
24 on the dock?

25 A. It is when it is blowing off the dock.

26 Q. And leaving the dock when it is blowing
27 on the dock?

28 A. Yes.

29 Q. Before you became a pilot had you had
30 any experience in docking ships?



1 A. Well, I always docked my own when I was
2 master.

3 Q. That was a 300 ton ship?

4 A. Yes.

5 Q. How long was she?

6 A. About 147, I think.

7 Q. What was the largest ship that you have
8 piloted and docked here?

9 A. I guess the Irving Glen. She is 8,000
10 tons net.

11 Q. Did you dock her yourself?

12 A. Yes.

13 Q. The first time you docked a large ship,
14 did you have any difficulties?

15 A. No.

16 Q. Have you had an accident in docking ships?

17 A. A couple of small ones, with the same
18 ship.

19 Q. When did that happen?

20 A. About 1956, the first one. I guess
21 1959.

22 Q. Was the second one?

23 A. Yes, same ship.

24 Q. What sort of accident was it?

25 A. A strong wind at that time. The first
26 time the chief officer was supposed to have two shackles
27 down and he only had one.

28 Q. Isn't it usual when the chain is put out
29 to ring a bell for the first shackle and two bells for
30 the second shackle?



1 A. Yes.

2 Q. Did you not listen for the bell?

3 A. Yes. He rang two bells.

4 Q. Was there an investigation into the cause
5 of the accident?

6 A. I don't think so.

7 Q. What was the strength of the wind?

8 A. Probably about 30 miles an hour.

9 Q. Did you do much damage to the dock? and to
10 the ship?

11 A. Not to the ship, sir. But the dock
12 was waiting to fall down at the time.

13 Q. What happened in the other accident?

14 A. It was ice.

15 Q. What time of the year was that?

16 A. Some time in February.

17 Q. What happened? Did you damage the ship?

18 A. No, sir.

19 Q. Was she driven aground by the ice?

20 A. No. We were coming in during the night,
21 and as far as we knew that ice was supposed to be broken
22 up. When we were coming to starboard going ahead,
23 the next thing was she struck the ice on her starboard
24 bow and she came apart and went into the dock.

25 Q. That was docking?

26 A. Yes.

27 Q. And that was at night?

28 A. Yes.

29 Q. And what was the visibility then?

30 A. Good.



1 Q. There was no snow?

2 A. No.

3 Q. No fog?

4 A. No. You couldn't see whether the ice
5 was cut up or not, and it wasn't.

6 Q. Was there much damage done?

7 A. No.

8 Q. Was there an investigation carried out
9 after that accident?

10 A. I don't think so. I was never asked
11 about it anyway.

12 Q. Now, to your knowledge, apart from those
13 two accidents, could you tell us whether there have been
14 any other accidents?

15 A. Well, a couple of slight ones. There
16 have been no major ones.

17 Q. What were these slight ones?

18 A. I think the Nicholas Bowater had one
19 last year.

20 Q. What happened?

21 A. The captain was coming in on his own.

22 Q. No pilot?

23 A. No.

24 Q. What happened?

25 A. Just couldn't get out to him.

26 Q. Was that an accident?

27 A. The ship came in number one dock and
28 she hit number one berth, cut the dock in two.

29 Q. Was there much damage done?

30 A. No.



1 Q. No damage to the ship?

2 A. No damage to the ship at all.

3 Q. She had no pilot?

4 A. No.

5 Q. Had she requested a pilot?

6 A. It was no good, unless we had a helicopter.

7 Q. What about the other accident?

8 You mentioned a couple.

9 A. I think Mr. Mallay had a small accident,
10 too.

11 Q. Did you witness that accident?

12 A. No, sir, I didn't see it.

13 Q. All right, then we will ask him.

14 COMMISSIONER SMITH: Could I interrupt?

15 MR. JACQUES: Yes, sir.

16 COMMISSIONER SMITH: This is a hypothetical
17 question, and you don't have to answer it unless you
18 want to.

19 In your judgment, if that ship which came in
20 and cut the dock in two had had a pilot on board, do
21 you think the pilot would have brought her in safely?

22 THE WITNESS: I couldn't answer that, sir.
23 Might have done more damage, because you can't trust
24 ice, especially with turbines.

25 Q. How much ice do you get in the year?

26 A. The depth of it?

27 Q. Yes.

28 A. We have had ice there twenty-six inches.

29 Q. Has it spread very far?

30 A. Goes right to South Heads, sometimes.



1 Q. Does it last very long?

2 A. It varies from winter to winter.

3 Q. When do you have ice here?

4 A. Last year, about the 25th of January.

5 Q. And when does it clear?

6 A. About the 5th of April, around the 5th.

7 Q. Does it prevent you from taking ships
8 in altogether?

9 A. The only chance we have is with an ice-
10 breaker. We used Bowaters' icebreaker, but in the last
11 couple of years we have used a small tug off the dock.

12 Q. How far would the ice spread from Corner
13 Brook?

14 A. The whole Humber Arm was filled with ice.

15 Q. Does that happen very often?

16 A. I had fifteen years. Of that, nine
17 years ---

18 Q. Would there be ice to such an extent
19 during the months January, February and March, as to
20 prevent all navigation?

21 A. She has been closed up four years since
22 I have been here.

23 Q. And apart from that you have been
24 successful in getting through?

25 A. Yes.

26 Q. Do you have to take any special pre-
27 cautions when you navigate in ice?

28 A. Only when you come alongside the docks,
29 because you are in the channel, and you can't get out.

30 Q. Who makes the channel?



1 A. The icebreaker.

2 Q. This is a chart of Humber Arm. Where
3 would your pilot station be? Where would you pick up
4 the ship, or is it shown in this chart?

5 A. It is not shown on that one.

6 Q. I show you Chart No. 4653, Exhibit No. 230.
7 Would you indicate with a red circle the place where you
8 board ships? (The witness complies.)

9 A. Right off here.

10 Q. How do you get out there from Corner
11 Brook?

12 A. Pilot boat.

13 Q. How long does she take to go out there?

14 A. Anywhere from an hour to an hour and a
15 ten minutes.

16 Q. How much waiting time have you got at your
17 seaward station?

18 A. Not too much now lately, but we have had
19 four hours waiting for the one ship.

20 Q. Does that happen often?

21 A. Not now.

22 Q. How long do you wait now usually?

23 A. Last fall we had to make a second trip
24 for the same ship.

25 Q. Do you charge anything special?

26 A. No.

27 Q. Just the straight one charge?

28 A. Yes.

29 Q. How do you get the ETA's from these
30 vessels?



1 A. From the Department of Transport most of
2 the time.

3 Q. Are they given directly to you, or to the
4 Secretary?

5 A. To my house.

6 Q. Do you look after all the dispatching of
7 pilots?

8 A. Most of it.

9 Q. So when someone wants a pilot he phones
10 you?

11 A. Yes sir.

12 Q. And if the agent here wants a pilot he
13 phones you?

14 A. Yes.

15 Q. And the Department of Transport, when it
16 receives messages regarding ETA's, they phone those
17 messages to you?

18 A. Yes.

19 Q. Would you describe the aids to navigation
20 which you have available in your District?

21 A. Well, we have got a light at Meadows
22 Point. Another one at Frenchman's Head, and another one
23 on Woods Island.

24 Q. As far as you are concerned is that
25 sufficient?

26 A. Yes sir.

27 Q. Would you consider that these aids are
28 sufficient for a strange master entering Humber Arm?

29 A. I say it is sir. I asked for one to be
30 put there a few years back.



1 Q. To be put where?

2 A. Seal Head. That is where the new
3 Canadian dock is at now.

4 Q. To whom did you ask that?

5 A. The Harbour Commission.

6 Q. And what happened?

7 A. They just couldn't see it.

8 Q. Do you do any shifting in the harbour?

9 A. We do sir.

10 Q. What would be the longest time you take
11 to shift a ship?

12 A. Well, sometimes probably we have to go on
13 board when the office tells us a certain ship is leaving.
14 We eventually have two or three hours wait.

15 Q. You have waited alongside as much as three
16 and four hours?

17 A. No, I say if a ship is to an anchor and
18 we have to go in and shift her in we have to wait for the
19 other ship to leave. Sometimes we wait outside three
20 or four hours.

21 Q. Tell me now, this is a very difficult
22 question to answer, but how much time do you spend waiting
23 say on the average during the week?

24 A. We are on twenty-four hours a day, and
25 we are waiting all the time.

26 Q. I am not talking about waiting at home
27 for a job, but being called, and being on board a ship,
28 then waiting for you to do your job, waiting for the
29 ship to leave, or to be ready to move?

30 A. Well, there is sometimes, like last night,



1 she was ready to leave at twelve. She left at one-fifteen.

2 Q. An hour afterwards?

3 A. That is right.

4 Q. Is that regular?

5 A. That is not too bad sir.

6 Q. That is a good case?

7 A. Yes. I have been called for a ship leaving
8 at eleven o'clock at night. I waited till one, then got
9 a taxi home and went back the next day to take her out.

10 Q. Does that happen often?

11 A. Not too often.

12 Q. Normally, say last year, did you find that
13 when you were called for a certain time that the ship
14 leaves approximately at that time?

15 A. I would say we get one out of five leaves
16 at the right time.

17 Q. Is there a special charge for your waiting
18 time?

19 A. No sir.

20 Q. What do you think of your pilot boat?

21 A. I like the pilot boats sir. She is a good
22 sea boat.

23 Q. Do you think she is adequate?

24 A. Yes sir.

25 Q. Do you think she is well equipped?

26 A. Yes sir.

27 Q. What do you think of the radio-telephone?

28 A. They are putting a new one on today.

29 Q. Do you think it helps you in your work?

30 A. Oh, yes, definitely.



1 Q. What do you use it for?

2 A. Contacting ships.

3 Q. Ships with radio-telephone of course?

4 A. Yes sir. They practically all have today.

5 Q. Practically all ships have radio-telephones
6 now?

7 A. Yes sir.

8 Q. Apart from your job as pilot, do you have
9 any other work?

10 A. No sir.

11 Q. In your job as pilot do you look after
12 the handling of mooring lines?

13 A. No sir.

14 Q. Do you receive from shipowners, or ship
15 agents, any other remuneration than the pilotage dues?

16 A. No sir.

17 Q. I have two books here, which are kept by
18 the pilots, and I would like you to describe these books
19 to the Commission. This is a record kept by the pilots,
20 showing for every year the date on which a ship entered
21 the harbour, with her name, her net tonnage, the name of
22 the pilot, and also whether a boat fee was charged,
23 the amount of pilotage, and also the same information
24 when the ship leaves the harbour, and when the ship is
25 shifted. So it gives the name and tonnage of all ships,
26 whether they took a pilot or not. For those which didn't
27 take a pilot there is no name entered in the column ----

28 COMMISSIONER SMITH: Excuse me. Is that in-
29 formation going to be made available?

30 MR. JACQUES: Yes sir.



1 Q. And this is available as far back I believe
2 as 1956. I note in this book that sometimes there is a
3 boat charge entered whilst the ship has not taken a pilot.
4 Would you explain that please?

5 A. Well, we had one called the "Perth" last
6 year. She used to call us down to the dock to take her
7 out, and we would wait two hours. The boat waited.
8 "When will you be ready to leave?" "You can go home now."
9 Then we had to get in touch with the Department of
10 Transport and tell the boat that there was no pilot on
11 her.

12 Q. Then you made a boat charge?

13 A. Yes.

14 Q. Did you have any trouble collecting that
15 charge?

16 A. I don't think so.

17 COMMISSIONER SMITH: I just have one question
18 to ask this witness.

19 Apart from the suggestions you have already
20 made about some increased aids to navigation, have you
21 any suggestions to give the Commission as to whether in
22 your opinion improvements could be made in this District
23 insofar as the pilots or the Commission or any other
24 aspects of the District are concerned?

25 THE WITNESS: Well sir, we have got a very
26 poor anchorage, I call it.

27 COMMISSIONER SMITH: The depth of the water
28 is the reason for that?

29 THE WITNESS: Yes, and I say there could be a
30 couple of good buoys put there, so that a ship could tie



1 up, because with any breeze at all, the ship drags. That
2 is over at Pettitpas Cove. It is the only anchorage we
3 have here.

4 COMMISSIONER SMITH: Is there anything else
5 you can think of?

6 THE WITNESS: Everything else is pretty clear.

7 Q. What about shortening the District, having
8 your seaward station inside the Arm?

9 A. We have had masters saying that we should
10 have the station inside Meadows Point.

11 Q. Would you indicate that with a blue circle
12 on Chart No. 4653, Exhibit 230?

13 (The witness complies)

14 Q. What do you think of this suggestion?

15 A. Most of the ships want to drop the pilot
16 there, so it should work all right there.

17 Q. Now, in practice where do you leave the
18 ship?

19 A. Most of the time at Meadows Point.

20 Q. It seldom happens that you go out to
21 Frenchman's Head to meet a ship?

22 A. Unless he is a stranger.

23 Q. Unless he is a stranger and he asks you
24 to?

25 A. Yes.

26 Q. Where do you normally pick up a ship?

27 A. If they are a stranger, mostly at Frenchman's.

28 Q. And the others?

29 A. Curlings.

30 Q. Would you indicate Curlings on the exhibit



1 with a blue mark?

2 (The witness complies.)

3 COMMISSIONER SMITH: How far is it from Meadows
4 Point to Frenchman's Head, approximately?

5 THE WITNESS: About five and one-half miles.

6 THE CHAIRMAN: It is about half the distance?

7 THE WITNESS: Yes sir.

8 Q. Do you have any suggestions as regards the
9 administration of the District, the keeping of the accounts,
10 the collecting of the dues, the payment for the pilot boat,
11 all these things?

12 A. Well, for one thing, like this waiting
13 on ships, if we had a fee that we could charge we wouldn't
14 have to wait so often.

15 Q. You would be in favour of charging de-
16 tention?

17 A. Yes sir.

18 Q. Have you any other comments you would like
19 to make?

20 A. No thank you.

21 -----

22
23 JOHN JOSEPH MALLAY, sworn

24
25 DIRECT EXAMINATION BY MR. JACQUES:

26
27 Q. Would you state your full name and age
28 please?

29 A. John Joseph Mallay, 44.

30 Q. What is your occupation?



1 A. At the present time I am employed as a
2 pilot by the Board of Pilotage Commissioners for Humber
3 Arm.

4 Q. How long have you been so employed?

5 A. Since July, 1954.

6 Q. Have you had sea experience prior to that?

7 A. Yes I have.

8 Q. Would you describe that experience please?

9 A. Shall I start from the beginning?

10 Q. That is always a good idea you know?

11 A. I started as a deep sea fisherman.

12 Q. How many years ago was that?

13 A. In 1936. Fishing on the Banks of Newfound-
14 land.

15 Q. In what capacity did you go to sea?

16 A. What they call a share man. In other words,
17 I caught the fish and obtained my proportion of the share.

18 Q. What types of ships?

19 A. First of all in the beginning it was
20 sailing vessels, completely by sail. Then it eventually
21 became power vessels.

22 Q. How big were they?

23 A. They were from forty tons to probably
24 one hundred and twenty tons, and then at the beginning of
25 the war I joined up for the Marine Service, in the
26 Merchant Marine, Overseas Division, and I was accepted.
27 I came to St. John's, and I was assigned a job on the
28 steamship "Belle Isle", which I joined as an able seaman,
29 A.B. in other words.

30 Q. How long were you on the "Belle Isle" as



1 A.B.?

2 A. I was there for practically one year.

3 Q. Where did you move on after that?

4 A. Then I changed ships. I went with, it
5 was known then as the Newfoundland Railway, I went on a
6 ship called the "Moyra", and I joined that as A.B. for
7 approximately four and a half to five months.

8 Q. Where did she trade?

9 A. She traded to U.S. ports, the Dominion of
10 Canada.

11 Q. And the "Belle Isle", where did she trade?

12 A. The same thing.

13 Q. And after that what did you do?

14 A. I obtained my First-Mate's Home Trade
15 Certificate in 1942, and I was promoted to Second Officer
16 in the beginning of 1943.

17 Q. On what ship?

18 A. On the same ship, the "Moyra".

19 Q. Did she trade in the same areas then?

20 A. That is correct. Then the same trade,
21 and she was operated by the Ministry of Transport during
22 the war years.

23 Q. How long were you Second Mate?

24 A. Until the following year, 1944, when I was
25 promoted to Chief Officer.

26 Q. Still on the same ship?

27 A. Still on the same ship.

28 Q. How long did you serve as Chief Officer?

29 A. From that particular year until May of
30 1945. We lost her up the St. Lawrence River through fire.



1 I got transportation back to Newfoundland, St. John's.
2 I lived in St. John's at that time, and they gave me
3 command of one of the little railway boats called the
4 "Trepassey".

5 Q. What was her tonnage?

6 A. Three hundred tons, or a little better,
7 gross tonnage.

8 Q. Where did she trade?

9 A. I went and I took her from the ship yards
10 in Clarenville, Newfoundland, brought her to St. John's,
11 and after approximately a week doing minor repairs, not
12 repairs, but minor jobs I would call it, there was a
13 Chief Officer's job available on the "Baccalieu".

14 Q. I see.

15 A. And so I took the chief officer's job
16 in preference to the master's job because there was no
17 difference in wages, they were the same, and conditions
18 were a little better for me personally.

19 Q. How long did you stay on the Baccalieu?

20 A. I stayed there approximately six months.

21 Q. Always as chief mate?

22 A. Yes.

23 Q. Where did she trade?

24 A. She was in coastal trade from North
25 Sydney to Argentina.

26 Q. After that where did you serve?

27 A. Well, I started going foreign again.

28 In the same fall I was interested in obtaining a board
29 of trade ticket, so I got in the foreign trade and I was
30 on one of the small ships running to the West Indies.



1 Q. Which one?

2 A. The next one would be the Argentinia.

3 She had a gross tonnage of 307, approximately.

4 Q. Yes, and then?

5 A. After a period there, in the fall of
6 1946 I came ashore in St. John's and joined the navigational
7 school and wrote for my Second Mate's Foreign Going
8 Certificate.

9 Q. Did you obtain it?

10 A. That is correct. And I was relieving as
11 chief officer, they gave me a job as relieving chief
12 officer on one of the C.N.R. boats in the winter
13 months and in the spring. And if I remember correctly,
14 I was offered a position on one of the Bowaters ships,
15 a ship called the Sandland.

16 Q. What was her tonnage?

17 A. She was 1,650, approximately, net tons.

18 Q. Where did she trade?

19 A. She traded between Corner Brook and
20 U.S. ports.

21 Q. Yes.

22 A. And after a year, eleven months to be
23 exact, on that ship they eventually decided to sell her,
24 and I delivered the ship up in Montreal, and I went to
25 Corner Brook and I was given a job as chief officer on
26 the tug Preventer. She was a triple-screw diesel,
27 ocean-going.

28 Q. Captain Miller?

29 A. Yes. So I spent that season there with
30 him, and I joined the S.S. Corner Brook in the following



1 year.

2 Q. What sort of ship is she?

3 A. The S.S. Corner Brook is a steamship
4 approximately 8,000 tons dead weight, perhaps a little
5 more, and she plying between Corner Brook and all U. S.
6 ports, including the Gulf of Mexico.

7 So in April of 1950 I got leave and I went
8 and wrote my Mate's Foreign Going Certificate.

9 Q. Did you obtain it?

10 A. Right. I stayed there until June 23rd of
11 1954 when she was being delivered back to the U.K., I
12 paid off and, on the advice of the Pilotage Commission,
13 there was a job available in pilotage.

14 Q. How did you start on pilotage? Did you
15 start straight off the bat as a pilot or as a sort of
16 probationer?

17 A. Well, I guess you could call it that.
18 I started off in that capacity, I presume. I handled
19 ships of all descriptions without any difficulty.

20 Q. The first trip you made here to Corner
21 Brook as a pilot or probationer pilot, were you on your
22 own or were you accompanied by another pilot?

23 A. No, the first trip I made on any trip --
24 as a matter of fact, I made about three trips, if I
25 remember, and I went with Mr. Johnson, I made one with
26 ex-pilot Dyke, and I made another trip with Mr. Johnson.

27 Q. And after that you were on your own?

28 A. I was strictly on my own.

29 Q. Did you have much difficulty in handling
30 large ships alongside the docks?



1 A. No, I must say in that respect I have been
2 very fortunate, never had any difficulty.

3 Q. Have you had any accidents?

4 A. I had one, what you would call minor
5 accident in 1955.

6 Q. What happened?

7 A. I was coming on a ship called the Vineland.
8 We were approaching in a strong easterly wind and she
9 just blew away with a certain gust of wind, and subsequently
10 she hit the dock at number two.

11 Q. Was there much damage done?

12 A. No, just a little.

13 Q. Why didn't you drop an anchor?

14 A. We did. But due to the fact that the
15 water there is deep, the anchor doesn't take too much
16 effect until you are well in.

17 Q. You heard the evidence given by your
18 previous colleague concerning aids to navigation, changes
19 as regards the pilot station, and so on. Do you agree
20 with what he said?

21 A. Most definitely.

22 Q. Do you have anything to add to that?

23 A. No, I think the remarks made by the last
24 witness covers everything I can think of.

25 MR. JACQUES: Thank you very much. Do you have
26 any questions?

27 MR. W. J. SMITH: No.

28 MR. JACQUES: Mr. Burry, please.
29
30



SIDNEY BURRY, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Would you state your name, please?

A. Sidney Burry.

Q. And your age?

A. Forty-four.

Q. And your occupation?

A. I am now employed as pilot, sir.

Q. How long have you been employed as pilot?

A. I started in July of 1960.

Q. 1960?

A. It will be three years.

Q. And prior to becoming a pilot did you go
to sea?

A. Yes, sir.

Q. In what capacity?

A. Well, in every capacity, I would say, that
applies to, shall we say, the deck department of a ship.

Q. Do you hold a certificate?

A. I do.

Q. What type?

A. I hold a Master's Home Trade and a Second
Mate's Foreign Going.

Q. How long have you had those certificates?

A. I got the Master's Home Trade, Second
Mate's Foreign Going, offhand, I will say, ten years
ago.



1 Q. Did you serve as an officer on any ship?

2 A. Yes, sir.

3 Q. How long did you serve as an officer?

4 A. Well, speaking of -- you mean on
5 commercial ships?

6 Q. Yes.

7 A. Yes. I might mention that previous to
8 that I had six years experience in the Royal Navy.

9 Q. What rank did you serve?

10 A. Leading seaman.

11 Q. You said you serve as officer of merchant
12 ships. In what capacity did you serve?

13 A. I served as third mate on the Provincial
14 Trader. That was owned by Blue Peter Steamship Company.
15 That was a ship 4,700 dead-weight tons. They were well
16 known as the Park boats during the war.

17 Q. A small Park boat?

18 A. Yes.

19 Q. Where did she trade?

20 A. Oh, from Newfoundland to ports in the
21 Southern States, to Cuba back to Jersey, back to Cuba
22 again, Labrador and Halifax.

23 Q. Did you ever serve as master of a ship?

24 A. Yes.

25 Q. How long did you serve as master?

26 A. Six years.

27 Q. On what ships?

28 A. That was on a coastal tug for Bowaters.

29 Q. Was that immediately prior to becoming a
30 pilot?



1 A. No. Between the two periods mentioned
2 I did serve as first mate on the Canadian Railway-owned
3 Baccalieu, which is a passenger ship around the coast.

4 Q. And when you became a pilot here I under-
5 stand you served a probationer period; is that correct?

6 A. Yes.

7 Q. During that period did you ever take
8 a ship with another pilot in charge of the ship?

9 A. I did, sir. I made a few trips with
10 pilot Mallay.

11 Q. And after that you went on your own?

12 A. Yes.

13 Q. Did you experience any difficulty at all
14 in docking large steamers?

15 A. No, I can't say that I had any difficulty,
16 sir. Although I still don't consider handling in fog
17 a big ship an easy job or a job to be taken lightly, but
18 I can't say I had any difficulty.

19 Q. Did you ever have any accidents?

20 A. No, sir.

21 Q. You heard the evidence given by the
22 previous pilots and you have heard several mentions of
23 aids to navigation, the pilot station, et cetera. Do
24 you agree with what was said?

25 A. Yes, I do.

26 Q. Do you have any further suggestions to make
27 to the Commission?

28 A. I think what has been said, sir, has
29 pretty well covered everything. Perhaps they know more
30 about it because I am comparatively new.



1 But I would like to see, if it was at all
2 possible, an organized system to our on-duty or off-duty
3 periods. You see, as it stands now, as you have already
4 heard, we are on call, on stand-by twenty-four hours a
5 day, and in the meantime we are not working, of course,
6 we are working very little in that twenty-four hours.
7 But the fact still remains that there is no time clear.

8 For instance, I could be home all day or a great
9 part of the day and not handle a ship, but in the mean-
10 time I wouldn't have time to run downtown and get a package
11 of cigarettes or get a haircut.

12 Q. Shipping is not that dense here that you
13 can't go away for an hour?

14 A. The point is we don't know when we will be
15 required. That is my point, not the volume of shipping.
16 The volume of shipping wouldn't matter so much if you
17 knew when you had to go and when you didn't have to go.

18 Q. Do you think you could possibly work two
19 pilots, work with one on duty and one off duty?

20 A. No, not over a period of a week. I would
21 suggest that that could be mentioned more or less in
22 a day, but not in a week, because as the shipping goes
23 around here, maybe today one man would be required to do
24 a job but perhaps tomorrow all three of us would be
25 required to be at Frenchman's Head at the same time to
26 meet three ships; we couldn't spread it over a period
27 of a week.

28 Q. Have you discussed that with your fellow
29 pilots?

30 A. Yes, we have talked it over.



1 Q. What prevents you from establishing a
2 system which would be satisfactory to you?

3 A. Well, I can't say that -- I wouldn't
4 name anything that has prevented an understanding on that.
5 It is just the fact that we haven't got around to regular
6 working times.

7 Q. Have you ever attempted to work the same
8 pilot with the same ship?

9 A. No, we haven't worked at any set crew.
10 We try as near as possible each one to take his turn,
11 to do his part of the work, as we feel that is fair and
12 square between us, and that is about as far as we can go
13 on it so far, because, as I say, we haven't got any
14 time when we are actually on duty or off duty.

15 Q. Now, sir, as regards to your brief, would
16 you tell me who prepared the brief?

17 A. Mr. Johnson, Mallay and myself.

18 Q. Did you discuss among yourselves the various
19 requests which are contained in your brief?

20 A. Yes.

21 Q. What do you think of the effect of these
22 requests, if granted, would be on your earnings?

23 A. Actually I don't know because we don't
24 know or at least we didn't know until recently how our
25 earnings stood as compared with other places, and we
26 certainly wouldn't be wanting or asking or expecting to
27 be paid a salary that would be over the amount or not
28 one under the amount, of course. Actually the financial
29 part of it was not considered to a great extent because
30 we didn't know enough about it actually. But we did



1 think that perhaps we would be in a position where, say,
2 for instance, I think we ask there for compulsory pilotage
3 in Corner Brook.

4 Q. Well, you said that Corner Brook be made
5 a compulsory port for payment of dues?

6 A. Yes.

7 Q. That is what you have already?

8 A. Yes, we have to appoint. But what we
9 didn't know, we three pilots, I mean is how strong that
10 rule and regulation was. If it was hard and fast or,
11 say, it could be abolished by someone who thought
12 differently, that was one of the things we thought which
13 would make our job more secure.

14 Q. You want that point clarified?

15 A. Yes.

16 COMMISSIONER SMITH: And the policy continued?

17 THE WITNESS: Yes, sir.

18 COMMISSIONER SMITH: The present policy
19 continued?

20 THE WITNESS: Yes, that is true.

21 Q. Do you wish to say anything else to the
22 Commission or to make any other comments?

23 A. No, I think I have said all that I know
24 anything about.

25 THE CHAIRMAN: Perhaps, counsel, you could
26 cover also some points about the coastal pilotage on the
27 West Coast. You are going to come to that.

28 MR. JACQUES: I am sorry, I had forgotten about
29 this. Thank you very much, sir.
30



1 Mr. Johnson, please.

3 CHARLES EDWARD JOHNSON, (recalled)

5 FURTHER DIRECT EXAMINATION BY MR. JACQUES:

7 Q. Under the same oath, sir, we are instructed
8 that you piloted a ship in and out of St. George's Bay
9 some time ago?

10 A. Yes..

11 Q. Would you tell the Commission the navigational
12 difficulties encountered in St. George's Bay?

13 A. I didn't find any.

14 Q. You didn't find any?

15 A. No.

16 Q. Then why were your services requested to
17 pilot a ship into the bay?

18 A. Because I don't think you could get anyone
19 to come in, they didn't want to.

20 Q. The master of the ship was a total stranger?

21 A. That is right.

22 Q. Do you think that masters of ships would
23 have sufficient local knowledge to take a ship into St.
24 George's Bay?

25 A. They are using a local man now.

26 Q. How long has this been going on?

27 A. Well, ever since the first ship.

28 Q. So you went there to teach the local man?

29 A. That is right, sir.

30 Q. Do you know if they have very many ships



1 there?

2 A. They had four there last fall, three more
3 after the one I took in.

4 Q. What size of ships are they?

5 A. The last one was 22,000 tons.

6 Q. And the others?

7 A. They were anywhere from 12,000 to 16,000,
8 something like that.

9 Q. Do you have any present knowledge of the
10 fees which are charged by the local man?

11 A. No.

12 Q. Do you know this local man personally?

13 A. I know him by the name of Wood, that is
14 all.

15 Q. You don't know what experience he has had
16 at sea?

17 A. No.

18 Q. Do you know of any other places around
19 the West Coast of Newfoundland where there are local
20 pilots like that not coming under any district?

21 A. Practically every bay has got its own
22 pilots, just locals.

23 Q. On the West Coast?

24 A. Yes sir.

25 Q. Do you know the more important ones,
26 where big ships go, like St. George's Bay, for instance?

27 A. No.

28 Q. Port Harmon?

29 A. They have got their own pilot there.

30 Q. I want you to name the places where they



1 have their own pilot?

2 A. That is the only place.

3 Q. Port Harmon and St. George's Bay?

4 A. No, St. George's has none, only a local.

5 Q. That is what I want to know, a local man
6 doing the pilot's job?

7 A. St. George's Bay.

8 COMMISSIONER SMITH: What cargos were these
9 large ships carrying, and where were they heading for?

10 THE WITNESS: They were going to pick up
11 gypsum and take it to Montreal.

12 COMMISSIONER SMITH: Where would they pick up
13 the gypsum?

14 THE WITNESS: Turf Point, St. George's.

15 Q. I show you Exhibit 237, Chart No. 4490.
16 Would you circle in green on this chart the place called
17 St. George's Bay?

18 (The witness complies.)

19 Q. And where did you take the ship in?

20 A. Right here.

21 Q. Where the green circle is, St. George's?

22 A. St. George's Harbour is about a mile
23 from Turf Point.

24 Q. Would you indicate to me Port Harmon on
25 this chart?

26 (The witness complies.)

27 A. The harbour was made here.

28 Q. When you say you take a ship into St.
29 George's Bay to Turf Point and Port Harmon, that is one
30 and the same place?



1 A. Yes, but the pilot only works at Port
2 Harmon. That is the main part of it.

3 Q. Is he a Newfoundlander?

4 A. No.

5 Q. Where does he come from?

6 A. I think he is from Scotland, but he used
7 to live in Montreal, but he has been out here now a few
8 years.

9 Q. Is that coast pilotage, river pilotage,
10 or just harbour work?

11 A. That is U.S.

12 Q. What sort of pilotage does he do?
13 Through the river, through the bay, or just in the harbour?

14 A. Just in the harbour.

15 Q. That is handling ships alongside, is that
16 what he does?

17 A. He goes outside the harbour about a
18 mile, and picks up the ships.

19 Q. What types of ships?

20 A. All types, tankers, cargo ships.

21 Q. Have they got large ones?

22 A. Yes.

23 COMMISSIONER SMITH: Is it more of a docking
24 and undocking operation?

25 THE WITNESS: Yes sir.

26 COMMISSIONER SMITH: Principally that?

27 THE WITNESS: Yes sir. He only works in day-
28 light hours, from eight in the morning till five in the
29 afternoon.

30 THE CHAIRMAN: Does he work only for the



1 American base there?

2 THE WITNESS: That is all there is there sir.

3 THE CHAIRMAN: And he is employed by the
4 Americans?

5 THE WITNESS: Yes.

6 Q. To the best of your knowledge?

7 A. Yes.

8 MR. W. J. SMITH: It is purely artificial
9 sir. They dug a channel into the point. The coast
10 itself is actually straight, and the ships come into a
11 canal.

12 COMMISSIONER SMITH: What depth of water
13 would there be there?

14 MR. W. J. SMITH: I don't know. They have
15 had a couple of accidents occur, large boats hitting the
16 pier due to weather conditions.

17 THE WITNESS: Thirty-five feet sir.

18 MR. W. J. SMITH: It is completely under the
19 control of the military..

20 THE CHAIRMAN: Of the military forces at the
21 base?

22 MR. W. J. SMITH: Yes.

23 THE CHAIRMAN: It is lend-lease.

24 MR. W. J. SMITH: As a matter of fact, in one
25 of the cases in which I was involved on the insurance end
26 the pilot was a master sergeant.

27 MR. JACQUES: I might suggest that we adjourn
28 until tomorrow morning, and I might ask the pilot what
29 facilities are required then.
30



1 MR. W. J. SMITH: St. George's Harbour is quite
2 a large harbour, I believe the second-largest harbour
3 in Canada. It extends from its opening on Sandy Point
4 up to the bottom of Shallow Cove, a distance of seven or
5 eight miles, so the harbour is quite an extensive one,
6 apart from the bay itself.

7 MR. JACQUES: You might make an excellent
8 witness.

9 THE CHAIRMAN: We will adjourn until ten
10 o'clock tomorrow morning.

11
12
13 ---AT 5:00 p.m. THE HEARING WAS
14 ADJOURNED UNTIL 10:00 a.m.
15 ON THE 8th of MAY, 1963.
16
17
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19 -----
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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

CORNER BROOK
NFLD

VOLUME No.:

26

DATE:

May 8 1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at Corner Brook,
Newfoundland, on the 8th
day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member

Mr. F.S. Morissette	Asst. Secretary
---------------------	-----------------

COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. W.J. Smith,	Board of Harbour and Pilotage Commissioners for Humber Arm.
-----------------	--

Also Present:

Capt. J.S. Scott, Nautical Advisor
to the Commission.

Capt. F.S. Slocombe, Department of
Transport and Liaison Officer



ANGUS, STONEHOUSE & CO.
TORONTO, ONTARIO

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1 ---Upon resuming at 10:00 a.m. on Wednesday, May 8, 1963.

2
3 CHARLES EDWARD JOHNSON, recalled

4 DIRECT EXAMINATION BY MR. JACQUES

5 Q. Pilot Johnson, you were requested yesterday
6 to prepare a list of the ports where there is pilotage
7 done by local men but not organized as any district. Have
8 you done so?

9 A. Yes, sir.

10 Q. Would you give us the names of these
11 various ports and indicate them on chart 4490, Exhibit
12 237?

13 A. St. George's, a local man looks after that.
14 Then Port au Port.

15 Q. And the next one?

16 A. Hawk Bay.

17 Q. Yes?

18 A. Then there is Port Harmon.

19 Q. And where is Port Harmon?

20 A. In St. George's Bay.

21 Q. Have you been yourself to these four
22 places?

23 A. I haven't been to Port-au-Port.

24 Q. You have been in Port Harmon and St.
25 George's?

26 A. Yes.

27 Q. How many miles of piloting would there be
28 in St. George's?

29 A. In St. George's, mostly pick up pilots at
30 Sandy Point; that is about two miles outside the harbour.



1 Q. What sort of run do you get in there? Is
2 it a channel?

3 A. There is a bay; it is in open water.

4 Q. Are there any navigational dangers during
5 that run?

6 A. No.

7 Q. And apart from that, where is the dock in
8 St. George's?

9 A. At Turf Point.

10 Q. Is it difficult to approach the dock to
11 dock a ship?

12 A. It is very good.

13 Q. Now, as regards Port Harmon, have you been
14 there?

15 A. By land; I have never gone in by water.

16 COMMISSIONER SMITH: Is there much business in
17 those ports you mentioned, shipping business?

18 A. In St. George's, no, sir; until last year,
19 they built a dock there and started to ship out gypsum.

20 COMMISSIONER SMITH: What about Port Harmon?

21 THE WITNESS: That is mostly U.S. They have a
22 lot of ships going in and out there.

23 Q. Have you been to Port au Port?

24 A. No.

25 Q. You don't know the place at all?

26 A. No.

27 Q. And Hawk Bay?

28 A. Yes, I have been in Hawk Bay a couple of
29 times.

30 Q. What is the piloting there?



1 A. In Hawk Bay, about ten miles.

2 Q. What sort of piloting is there there?

3 A. There is a channel there; it is not good
4 for large ships.

5 Q. What would be the width of the channel,
6 minimum width?

7 A. I would say about five hundred yards.

8 Q. Is it buoyed, marked?

9 A. Sometimes it is.

10 Q. What sort of ships would go to Hawk Bay?

11 A. Most ships are taking pulpwood out of
12 Hawk Bay.

13 Q. Could you give us an idea of the size of
14 those ships?

15 A. I wouldn't take anything over four hundred
16 feet long there.

17 Q. What about draught?

18 A. You could take about thirty feet draught.

19 Q. Is there any difficulty in docking at
20 Hawk Bay?

21 A. You don't dock there at all.

22 Q. What do you do?

23 A. Just anchor. There is a small boat staff
24 there, that is all.

25 Q. Have you been to Hawk Bay on ships?

26 A. Yes.

27 Q. Do you think there is a need for pilotage
28 in Hawk Bay?

29 A. I don't think it is used now. Only
30 Bowaters is there.



1 Q. You have not been in Port au Port?

2 A. No.

3 Q. Do you know what industry or traffic there
4 would be in Port au Port?

5 A. They have a limestone quarry there.

6 Q. Do you know what sort of ships go there
7 and their size, approximately?

8 A. Around ten-thousand-ton ships go in there.

9 Q. Do you know if they go there frequently

10 A. Oh, yes. I think the company have their
11 own boats.

12 Q. And they have a local man as a pilot?

13 A. Yes.

14 Q. Would you like to add anything to what has
15 been said as regards these four places?

16 A. I mean, there is not much I can say, because
17 there is St. George's, and Turf Point, there is nothing
18 but gypsum. I think it is a Norwegian company and the
19 man docks his own boat.

20 Q. In the places you have been, do you think
21 a master of a fairly large ship would have difficulty
22 going into these places?

23 A. Not to the St. George's. Port au Port is
24 the same thing; and in Hawk Bay only Bowaters take on
25 wood. Port Harmon is used twelve months the year round.

26 Q. To the best of your knowledge, is there
27 any coastal piloting done around the west coast of
28 Newfoundland?

29 A. No, sir.

30 Q. Do you think there is need for coastal



1 piloting around that coast?

2 A. No, because we have no harbour. There is
3 only Bonne Bay, and there are no ships going into Bonne
4 Bay. There is nothing else on the coast.

5 MR. JACQUES: Thank you, sir.

6 BY THE CHAIRMAN

7 Q. I have seen on the chart that there is a
8 place called Little Port, just off your Bay of Islands?

9 A. Yes.

10 Q. Is there any traffic there?

11 A. No.

12 Q. You ask in your brief that all traffic
13 in the Bay of Islands be obliged to pay pilotage dues. Is
14 there much traffic going on the other side of the Bay?

15 A. Well what I mean is the Humber Arm.

16 Q. Not on the other side?

17 A. Oh, yes, it is all in the brief. The
18 reason we asked for it was because we were not sure whether
19 it was a compulsory port or not.

20 Q. That would cover the North Arm also?

21 A. Yes.

22 Q. Where is the limit of the port?

23 A. Frenchmen's Head. That is our definition.

24 Q. But your port, harbour limits?

25 A. South Head.

26 Q. The North Arm would not be included in that?

27 A. Yes, it is included.

28 Q. It is included?

29 A. Yes.

30 THE CHAIRMAN: Thank you.



1 MR. JACQUES: Mr. Hawkins, I believe you could
2 shed some light on these various districts where there is
3 local pilotage and traffic apart from districts, apart
4 from regular pilotage districts.

5 Would you care to address the Commission
6 on that, please?

7 MR. HAWKINS: Sir, I did have a few comments
8 to express to the Commission, not necessarily on pilotage,
9 because I was under the impression that the pilot's
10 counsel would give you all the necessary information.
11 However, if there is any information I can help you on
12 on outside places or the northeast coast, I would be glad
13 to do it.

14 MR. JACQUES: I would like to know your opinion
15 of traffic in Port Harmon, Port au Port, Hawk Bay and
16 St. George's.

17 MR. HAWKINS: Port Harmon receives a fair
18 amount of traffic. There is an American set-up there.
19 They bring in all their own supplies, they handle the
20 ships themselves, and they have their own tugs. As far
21 as I know, it is a closed harbour and nobody has ever
22 interfered with them and they have never applied to us
23 for assistance. But they do handle various kinds of
24 cargo.

25 In St. George's, pilot Johnson has given
26 you most of the story there. It was open last year for
27 the establishment of gypsum. A Norwegian ship was
28 chartered by the Flintcote company last year in consul-
29 tation with the gypsum people here. They felt that a
30 pilot was not necessary because they were handling the



1 same ship all the time and the information required they
2 would get from local people. That was their slant on it.

3 Hawk Bay, there is very little traffic
4 going on there. The wood is not going on for the time
5 being, and there is not very much else.

6 MR. JACQUES: When do you expect traffic to
7 pick up there?

8 MR. HAWKINS: I don't know. Bowaters did cut
9 a small amount of wood there, but that is dying out. I
10 think it might be a few years before they go back again.
11 They go around the coast to Main Brook, Hare Bay, just
12 south of St. Anthony. Bowaters has an operation there.
13 They are shipping export wood there all the year, every
14 year. There is no recognized pilot there, but they do
15 seek the advice of the local people, fishermen.

16 MR. JACQUES: In Hare Bay, do you know whether
17 ships going there use the St. John's pilots?

18 MR. HAWKINS: They may have done so, but not
19 in recent years.

20 MR. JACQUES: Are you familiar with Port au
21 Port?

22 MR. HAWKINS: Yes.

23 MR. JACQUES: What goes on there?

24 MR. HAWKINS: Well, that is a limestone quarry.
25 They supply limestone to Sydney, Cape Breton, which they
26 use in their iron ore works and the iron ore company has
27 two ships of their own which ply between Aguathuna and
28 Cape Breton all the year long.

29 MR. JACQUES: Do you know the approximate size
30 of these ships?



1 MR. HAWKINS: Yes, ten-thousand-tons deadweight.
2 That is approximately.

3 MR. JACQUES: And to the best of your knowledge,
4 is there any other place along the west coast of
5 Newfoundland which will be developed into a shipping port?

6 MR. HAWKINS: No. Bonne Bay was a very active
7 place, particularly from the fishery point of view and
8 was used by French and British warships years ago, but
9 recently there has been very little going on in Bonne Bay,
10 apart from coastal vessels, C.N.R. vessels, and Port
11 Saunders up the coast.

12 MR. JACQUES: Would you indicate Port Saunders
13 on Exhibit 237?

14 MR. HAWKINS: It isn't marked on this chart. It
15 is in this area here.

16 MR. JACQUES: In this area, that would be south
17 of---

18 MR. HAWKINS: Port Choix.

19 COMMISSIONER SMITH: Mr. Hawkins, I take it in
20 your judgement there is no practical need for the extension
21 of the present district or the creation of other districts
22 in order to supply pilotage navigation in any of these
23 places you have mentioned?

24 MR. HAWKINS: No, on the west coast of
25 Newfoundland I don't know of any place that would require
26 pilotage assistance. There is no port which I would say
27 would justify any action. Unless Port au Port, which I
28 don't believe needs a pilot.

29 MR. JACQUES: But to the best of your knowledge,
30 the ships trading in those places do trade there regularly?



1 MR. HAWKINS: Yes.

2 MR. JACQUES: It is always the same ships?

3 MR. HAWKINS: Yes. St. George's Bay, of course,
4 is always used as a port of shelter, they go in there and
5 shelter quite often. We have had ships going in there
6 frequently.

7 MR. JACQUES: Now, sir, you are Chairman of
8 the local commission for Cornerbrook. Would you like to
9 address the Commission on Cornerbrook problems?

10 THE CHAIRMAN: Before you do that, perhaps we
11 should hear from pilot Johnson.

12 CHARLES EDWARD JOHNSON, recalled

13 FURTHER DIRECT EXAMINATION BY MR. JACQUES

14 Q. Pilot Johnson, returning to your brief,
15 would you tell the Commission whether you mean in your
16 brief that you want to see the limits of your pilotage
17 district extended?

18 A. No sir, that is not what it meant. What
19 we meant, we was trying to find out if somebody could
20 tell us for sure if Bay of Islands was a compulsory port,
21 Corner Brook.

22 Q. Do you mean Bay of Islands or Corner Brook?

23 A. Corner Brook.

24 Q. Are you interested in doing pilotage out-
25 side the Humber Arm in Bay of Islands, in North Arm,
26 Middle Arm, Penguin Arm, Goose Arm, Lark Harbour, and
27 anywhere within the Bay east of Guernsey Island and
28 Tweed Island?

29 A. Any piloting at all.

30 Q. You want that to be your District?



1 A. Yes.

2 Q. So you want your District to be extended,
3 is that it?

4 A. Yes.

5 THE CHAIRMAN: To the limit of the islands here
6 on the north?

7 A. We don't mind, my lord, but what we were
8 after is that this should be a compulsory port.

9 Q. Humber Arm do you mean, or Bay of Islands?

10 A. All of it. What we couldn't find out was
11 if it was a compulsory port.

12 THE CHAIRMAN: That is one question, but let
13 us say for the sake of argument that Humber Arm is
14 compulsory, either pilotage or compulsory payment, but
15 what about the other part, which is the Bay itself, and
16 also the other arms there?

17 THE WITNESS: Well my lord we have no shipping
18 go up there at all.

19 THE CHAIRMAN: There is none?

20 THE WITNESS: No.

21 THE CHAIRMAN: Really you are asking an
22 extension because you are including that in what it is
23 not now. You are asking that all the Bay of Islands be
24 made compulsory?

25 Q. Paragraph 2 of your brief reads as follows.
26 You request that all vessels being shifted within the
27 pilotage limits of Bay of Islands. What do you mean by
28 pilotage limits of Bay of Islands?

29 A. This is our limit here.

30 Q. And you indicate a line between Frenchman's



1 Head and McIver's Point?

2 A. Yes.

3 MR. F. B. HAWKINS: My lord, I have not seen
4 the brief of the pilots until a moment ago. Our pilotage
5 limits extend from Frenchman's Head across the Humber
6 Arm to here, but should there be a ship coming into the
7 Bay of Islands, which happens not too frequently, but it
8 has happened over the years, our Pilotage Commission is
9 called on for assistance, and we pilot the ship in and
10 collect pilotage. So there is not any problem sir.
11 Payment of pilotage is compulsory in the Humber Arm.
12 There is no compulsory pilotage. A ship doesn't have to
13 take a pilot as long as he has offered his services of
14 course, he has fulfilled his mission.

15 THE CHAIRMAN: But that would be on a voluntary
16 basis though?

17 MR. HAWKINS: Yes.

18 THE CHAIRMAN: Not on a compulsory basis?

19 MR. HAWKINS: No, but we would be able to
20 collect pilotage anyhow.

21 THE CHAIRMAN: Of course, if you render the
22 service---

23 MR. HAWKINS: You collect the pilotage.

24 THE CHAIRMAN: But if you don't render any
25 service?

26 MR. HAWKINS: No, but to make the outer bay
27 compulsory.

28 THE CHAIRMAN: You are against it?

29 MR. HAWKINS: I don't see the need for it sir.

30 THE CHAIRMAN: What about the Middle Arm and



1 the North Arm?

2 MR. HAWKINS: There is no traffic there.

3 THE CHAIRMAN: So really what is meant in this
4 brief there is only south of Frenchman's Head?

5 MR. HAWKINS: I should think so sir.

6 MR. JACQUES: In the Humber Arm itself?

7 THE WITNESS: Pilotage in the Bay of Islands,
8 we call this the Bay of Islands.

9 COMMISSIONER SMITH: If there is no traffic
10 there it does not matter whether it is compulsory pilotage
11 or not.

12 THE CHAIRMAN: But you never know. They might
13 find a good mine there with the land you have.

14 MR. HAWKINS: Sir, I would like to make a few
15 comments, and may I read them?

16 THE CHAIRMAN: If you please.

17 MR. HAWKINS: My lord, Commissioners, and
18 gentlemen, during the last three days I have listened
19 with great interest to the information submitted to this
20 Royal Commission by the visiting representatives of the
21 various Newfoundland Pilotage Districts, including the
22 Humber Arm Pilotage Commission, who have assembled before
23 this Court to report on the business of their respective
24 commissions, together with other information covering
25 marine traffic in their immediate areas. Needless to
26 say, some of the information given has been very interes-
27 ting and most enlightening.

28 My lord, I wish, with your permission, to
29 make brief reference to the brief submitted at this
30 hearing by Mr. W. J. Smith, Solicitor on behalf of the



1 Board of Pilotage Commissioners for Humber Arm of which
2 I am Chairman.

3 I refer firstly to that portion having
4 reference to Part VI of the Canada Shipping Act. We have
5 been, my lord, very concerned over the fact that our
6 efforts, together with the efforts of other Pilotage
7 Commissions, have been unsuccessful in persuading the
8 appropriate authorities of the Department of Transport
9 to have this part of the Canada Shipping Act proclaimed
10 and made applicable to the Province of Newfoundland. So
11 that legal sanction may be secured for the various
12 commissions concerned, my lord, may we humbly solicit
13 the sympathetic consideration and support of this Royal
14 Commission on Pilotage in this regard on our behalf.

15 My lord, I wish also to refer to that
16 portion of the brief dealing with assistance for the
17 operation and maintenance of our pilot boat. We under-
18 stand that assistance of this nature has been granted
19 some other pilotage districts, and notwithstanding the
20 fact that our District is self-supporting, we feel that
21 we should receive equal consideration to other districts
22 in this respect, so that money now spent on the pilot
23 boat operation and maintenance can be devoted to improving
24 the salaries paid to our pilots. These men are capable
25 and courteous and a credit to their profession, and we
26 believe they should enjoy equal consideration in this
27 respect as other pilots in other ports within this
28 Province. It may be argued that additional funds can be
29 made available by economies that may be effective in
30 shortening or reducing the pilotage limits. This, my lord,



1 has received our most serious consideration, but at the
2 present time that possibility appears remote, because the
3 majority of ships' masters trading within our district
4 have verbally suggested that the pilots' boarding station
5 remain as is and where is. Nevertheless, we are hopeful
6 that this change can be amicably effected to the satis-
7 faction and benefit of all parties concerned in the not
8 too distant future.

9 My lord, the Pilotage Commission of
10 Humber Arm are also desirous of obtaining a suitable
11 wharf at which the pilot boat can be safely moored, and
12 a building in which the boat gear and equipment can be
13 stored. At the present time we have no permanent installa-
14 tion of this nature, and are usually obliged to shift the
15 boat from one landing to another, depending on the amount
16 of traffic in progress at the time.

17 My lord, suggestions have been made over
18 the years by local people that the present pilotage
19 commission should take on the duties of a Harbour Board
20 and exercise such control as may be necessary within the
21 Humber Arm area.

22 There are a number of reasons in my
23 opinion why this may not be a practical or desirable
24 undertaking. The first is that practically all water-
25 front properties, which include much of the entire shore
26 line, are privately owned. Secondly, the commission has
27 not the authority as presently set up to exercise any
28 control or authority over any harbour within its juris-
29 diction. However, my lord, we wish to submit that looking
30 to the future when new industries may become a reality in



1 this area, which undoubtedly would require harbour
2 development, it may be desirable to give this matter
3 consideration with a view to setting up one organization
4 which would have the proper legal standing to administer
5 both pilotage and harbour duties.

6 THE CHAIRMAN: There is also, I suppose, the
7 aspect that creating a Harbour Commission here, unless it
8 is very necessary, the side effect of it would be to
9 increase the overall costs?

10 MR. HAWKINS: That is one of the reasons I
11 refer to. To install or institute a Harbour Board, extra
12 taxes would be levied which would increase the port dues,
13 and we are not too anxious to increase our port dues. We
14 want to attract ships here. If our dues are too high
15 they are not going to come here, so we are very conscious
16 of that. At the same time, looking to the future when
17 other industries may come here, perhaps the thing should
18 receive some consideration regardless of port dues.

19 COMMISSIONER SMITH: Of course, don't you
20 think that there is another angle to this? I don't
21 disagree with your statement at all, but if you get an
22 organized port of some kind, where there is an authority,
23 you get a stronger element of safety. It does not matter
24 whether they are privately-owned facilities or publicly-
25 owned, or what they are. If you have a complete set-up
26 at all, don't you think it tends to the greater safety
27 of navigation?

28 MR. HAWKINS: Of marine traffic, of course,
29 yes sir, I agree with you.

30 THE CHAIRMAN: But what you said is that at



1 present the traffic does not warrant it. There is no
2 security angle right now?

3 MR. HAWKINS: No, there is not any problem
4 from security at the present time. At the present time
5 I don't feel that a Harbour Board would be justified, but
6 I am looking at the future, perhaps ten, fifteen, twenty
7 or thirty years time, when goodness knows what will be
8 going on in this port, and I think provision should be
9 made now, having that in mind, towards that end.

10 MR. JACQUES: What would you think if this
11 harbour were to come under the National Harbours Board?

12 MR. HAWKINS: I don't know sir, to be frank
13 with you. I wouldn't like to express an opinion on that.
14 Very definitely a national board would have some advantages,
15 a national harbours board, but when I made this suggestion
16 I was not thinking of a national harbour, as for instance
17 Montreal, but I was thinking of some control that may be
18 necessary in the years to come.

19 MR. JACQUES: Were you also thinking of a
20 body, a public corporation, or an organization of some
21 kind which would improve harbour facilities and build
22 harbour facilities?

23 MR. HAWKINS: Yes, that would be part of their
24 duties.

25 MR. JACQUES: You were not thinking only of the
26 control of traffic within the harbour?

27 MR. HAWKINS: Oh, no. You see, a lot of the
28 properties, all the properties around here are privately
29 owned, and some of these days people are going to be
30 selling these properties, and goodness knows what installa-



1 tions will be put in, and before that happens I think
2 some provision should be made to cover incidents of that
3 kind.

4 MR. JACQUES: Yes, the authority should be
5 created, whether it will play a highly effective role at
6 the moment, in later years you foresee that it will have
7 to play a role?

8 MR. HAWKINS: Yes, I know of instances where
9 people now are trying to sell their waterfront properties.

10 MR. JACQUES: So it might be an urgent matter?

11 MR. HAWKINS: I think it should be given
12 immediate consideration.

13 COMMISSIONER RENWICK: I think Mr. Hawkins
14 is to be commended on the statement made though that it is
15 not desirable to burden industry here with extra dues now.
16 A harbour board would cost money.

17 MR. HAWKINS: Make no mistake, sir. I have
18 been connected with shipping a long time, and one of our
19 big gripes has been the port dues. We have to pay on our
20 shipping in other ports, so naturally it comes home to you.
21 How are you treating these people who use your ports?
22 I think it should be kept to the barest minimum, within
23 reason.

24 THE CHAIRMAN: Within reason of safety and
25 order?

26 MR. HAWKINS: Yes sir, safety and order.

27 MR. JACQUES: Well sir, I thank you very much
28 on behalf of the Commission for the interest you have
29 shown in our work, and also for giving us the three days
30 of your time, which I imagine is quite valuable.



1 MR. HAWKINS: My lord, may I just say the last
2 word. Thank you sir and gentlemen, and to you sir for
3 the kind remarks you have made regarding our Commission
4 in the last day or so.

5 MR. JACQUES: Now, gentlemen, Captain Slocombe
6 has prepared a statement on the effect which the
7 proclamation of Part VI of The Canada Shipping Act would
8 have.

9 THE CHAIRMAN: We would much appreciate having
10 that in the files, so that when we study it we may have
11 ready reference.

12 CAPTAIN SLOCOMBE: Your lordship has asked
13 that I explain for the record the effect that the
14 proclamation of Part VI of The Canada Shipping Act would
15 have on the various Districts in Newfoundland.

16 As an introduction I would like to
17 clarify also for the record the position of the Department
18 with regard to pilotage in general in Newfoundland. I
19 had a small part in the informal discussions that took
20 place on the Departmental level before Confederation, and
21 I was in the gallery of the House to watch the signing
22 of the Instrument of Union, so it has been very much in
23 the front of my mind always that we must not let The
24 Canada Shipping Act weigh on the Newfoundlanders in such
25 a manner as to interfere unduly in the shipping on which
26 the Province depends.

27 In the matter of certification of officers,
28 for instance, we have leaned over backwards to deal
29 sympathetically with the difficulties that these fine
30 seamen have in passing examinations. As for pilotage, we



1 found the situation to be so confused and uncertain that
2 it was decided not to proclaim Part VI of The Canada
3 Shipping Act until the smoke cleared away, and until the
4 pilots of the various Districts and the local pilotage
5 commissions, would be satisfied that they would not be
6 unnecessarily hurt by the change-over.

7 In the meantime we have felt, and have
8 understood, rightly or wrongly, that we had no authority
9 over, or responsibility for, pilotage in Newfoundland.

10 When we have been asked for advice we
11 have tried to be helpful, but we have tried to keep our
12 hands off, and allow the local commissions to continue
13 to run their own show. There was not even a requirement
14 that their annual reports should be made to the Minister
15 of Transport. The only essential connection was when a
16 pilotage commission wanted to amend its by-laws. Then it
17 devolved upon the Department to see that the wording of
18 the by-law was in a form acceptable to the Privy Council
19 staff and to process it for submission by Council to the
20 Ministry of Transport.

21 I think that every responsible party
22 concerned is already convinced that the existing situation
23 is unsatisfactory, and that Part VI should be proclaimed
24 as soon as possible. However, before proclamation is
25 made we must have ready for promulgation a complete new
26 set of by-laws for each District. Now, this has taken a
27 long time, and we still have not obtained the agreement
28 of the pilots, or the commissioners in St. John's for
29 instance.

30 We thought that in the several outports



1 we were ready to go, but yesterday I learned to my
2 consternation that the Commissioners of at least one
3 District had approved the draft by-laws without under-
4 standing the effect that they would have on the revenue
5 of their District.

6 Now, this means that we have to take
7 another look at each set of draft by-laws and make sure
8 that the Commissioners concerned understand and are
9 satisfied with the provisions. And we still have to
10 solve the problem presented by St. John's before Part VI
11 can be proclaimed in effect in Newfoundland, and I am
12 advised that we cannot proclaim Part VI for only the
13 outports, we have to proclaim it for the whole of
14 Newfoundland or not at all.

15 Now, my lord, when Part VI is proclaimed
16 we hope that each existing Pilotage Commission will be
17 able to continue in office, changing its name from
18 Pilotage Commission to Pilotage Authority. As such, each
19 authority will have the same powers under The Canada
20 Shipping Act as the Minister of Transport has in the
21 districts for which he is the Pilotage Authority, no less
22 and no more. Each Authority must administer its district
23 within the limits of those powers, in strict accordance
24 with the provisions of the Act, and must make an annual
25 report to the Minister of Transport. Members of Pilotage
26 Authority are required to act without remuneration, but
27 the secretary-treasurer, who may be one of the members,
28 may be paid out of the revenue of the district.

29 To come to details, I would ask your
30 lordship to look first at Chapter 215 of the Revised



1 Statutes of Newfoundland, 1952, which is, as far as we
2 know, the governing act at present, at least for the
3 outports. Now, the relevant section is section 13, which
4 provides for the compulsory payment of pilotage dues and
5 exemptions therefrom. The exemptions are: (1) Her
6 Majesty's ships. There was read into the evidence yester-
7 day a letter in which the Deputy Attorney General of
8 Canada expressed the opinion that in this context Her
9 Majesty's ships included Canadian National Railway
10 vessels. I have ascertained that this information was
11 sent by my office to the C.N.R. management and to the
12 Port aux Basques Pilotage Commission by letters dated
13 December 28th, 1955.

14 The opinion was apparently not accepted
15 by either party; at least it was not acted upon. Some
16 of the districts consider that C.N.R. vessels are exempt,
17 and some do not.

18 Now, (2) Vessels belonging to the Royal
19 Yacht Club. This, of course, was copied from the British
20 Act and was written at a time when there was only one
21 Royal Yacht Club. It has no bearing nowadays.

22 (3) Coasting and fishing vessels. The
23 term "coasting vessel" is described later in the section
24 as being a vessel usually employed on the coast of
25 Newfoundland, it must be; at least it says "employed
26 on the coast " and not on any particular voyage having
27 cargo on board which was loaded at or is consigned to
28 a place outside Newfoundland. With regard to fishing
29 vessels, it may be noted that there is no qualification.
30 I just noticed this last night, as a matter of fact. I



1 may be wrong -- perhaps my learned friend will shoot holes
2 in me -- but it appears to me that all fishing vessels,
3 of whatever flag and wherever they are bound to or from,
4 are exempt. It certainly has not been read in this way,
5 because in practice all the Districts grant exemption only
6 to Newfoundland fishermen, and only when they are not
7 coming from or going to a port outside the Province.

8 (4) Vessels which have not been boarded
9 by a pilot before they enter the pilotage limits. I
10 suggest that there is a strong indication here that any
11 non-exempt ship that does not employ a pilot only becomes
12 liable for compulsory payment if a pilot was waiting for
13 her at the limit of the district and offered his services.
14 In any case, this is ignored by all parties.

15 Now to look at Part VII of The Canada
16 Shipping Act, Chapter 29 of the revised statutes of Canada,
17 1952. The sections relevant to our present discussion
18 are sections 345, 346 and 347. Section 345 provides that
19 every non-exempt ship that navigates within any pilotage
20 district within the limits of which the payment of
21 pilotage dues is compulsory shall pay pilotage dues,
22 unless such ship is on her inward voyage and no licensed
23 pilot offers his services as a pilot after reasonable
24 notice of expected time of arrival has been given. This
25 relieves the pilot of having to be out at the limit of
26 a district waiting for unannounced arrivals.

27 Then we come to section 346, which sets
28 out the exemptions as follows:

29 (a) Ships belonging to Her Majesty. Now, these
30 are defined in the sub-section (100) of section 2 as "all



1 ships of war and other unregistered vessels held by or
2 on behalf of Her Majesty in right of any part of Her
3 Majesty's Dominions." It may be mentioned here that
4 C.N.R. vessels are registered vessels, so do not fall
5 within this exemption.

6 Sub-paragraph (b) Government ships except
7 ships entrusted for operation and management to an agency
8 of Her Majesty. "Government ship" is defined in sub-
9 section (30) of section 2 as a ship or vessel that is
10 owned by and is in the service of Her Majesty in right
11 of Canada or of any Province thereof or is, while so
12 employed, wholly employed in the service of Her Majesty
13 in such right. C.N.R. vessels are specifically deprived
14 of exemption as government ships by that wording, by the
15 wording of section 346, and so fall within the same
16 conditions as apply to other commercial vessels.

17 Sub-paragraph (c) Provides that a pilotage
18 authority may, with the approval of the Governor-in-
19 Council, exempt any ship not exceeding 250 tons registered
20 tonnage. Since all such vessels registered in Her Majesty's
21 Dominions are specifically exempted by paragraph (f),
22 this paragraph (c) merely provides for the exemption of
23 small foreign ships at the discretion of the pilotage
24 authority, with the approval of the Governor-in-Council.

25 Sub-paragraph (d) exempts British salvage
26 vessels.

27 Sub-paragraph (e): Now, this paragraph
28 is the vital one as far as the present discussion is
29 concerned. Sub-paragraph (i), (ii) and (iii) are
30 relevant. If applied, these three sub-paragraphs would



1 exempt all the passenger or cargo ships that enter
2 Newfoundland ports, with the exception of ocean-going
3 ships. The financial effect on some pilotage districts
4 would be disastrous. However, section 347 provides that
5 the pilotage authority of any district, with the approval
6 of the Governor-in-Council, may modify or withdraw any
7 of these exemptions. This would enable the Pilotage
8 Authority of the District of Humber Arm, for instance,
9 to take either of the courses suggested in the brief
10 submitted by the present Commission, and restrict
11 exemptions to Canadian or other British registered
12 vessels employed in voyages between ports in Newfoundland,
13 or in any one harbour, or even restrict it further to
14 vessels registered in Newfoundland, or even to withdraw
15 exemption from all vessels mentioned in this, vessels
16 falling within the coverage of paragraph (e).

17 Now, paragraph (ee). There is a new
18 paragraph (ee) which is not shown in your copy there,
19 my lord. This deals with American lakers in Canadian
20 waters above Montreal and does not affect Newfoundland.

21 Paragraph (f): As mentioned above, this
22 paragraph exempts all Canadian or other British ships
23 of not over 250 tons net. This exemption cannot be
24 removed, and there may be some Newfoundland districts
25 that might feel the effect of this to a small degree.

26 (g) ships entering a harbour for refuge.
27 That needs no comment.

28 (h) provides that a pilotage authority
29 may exempt foreign warships and hospital ships without
30 reference to the Governor-in-Council.



1 (1) exempts fishing vessels registered
2 in any of Her Majesty's Dominions. There will be a few
3 British registered fishing vessels which will be able to
4 dispense with the payment of dues if they want to do
5 without a pilot, although they are required to pay
6 pilotage dues now.

7 My lord, I wish to stress that the
8 foregoing is the situation as I see it. This is essentially
9 from a layman's point of view, not that of a lawyer, and,
10 of course, deals only with those parts of the Act that
11 might affect the financial position of the districts. As
12 I see it, the only possible loss would be the occasional
13 fishing vessel registered in the Commonwealth outside of
14 Canada, and a few small vessels under 250 tons net. The
15 proclamation of Part VI of The Canada Shipping Act would
16 in general provide more protection to the pilots of
17 Newfoundland than they now enjoy. For instance, there
18 is the limitation of liability provisions, which does not
19 appear in the Newfoundland statute. It would at least
20 put Newfoundland pilotage on a firm legal basis.

21 This completes my explanation, my lord,
22 unless there are any questions the Commission would like
23 to ask. But I think following Mr. Hawkins' remarks I
24 can add a word or two here.

25 First, of course, we must say that the
26 proclamation or failure to proclaim Part VI is not a
27 departmental function, it has to be done by the Governor-
28 in-Council. But we have to be ready first, and I think
29 I have explained why it hasn't been done so far. There
30 has been, to say the least, some reluctance in some



1 quarters to risk having Part VI applied.

2 Then in the matter of public harbours
3 and the combining of a Public Harbour Commission with
4 a Pilotage Commission, this could not be done under The
5 Canada Shipping Act. There would have to be separate
6 bodies in any case. Port Choix could be proclaimed a
7 public harbour, which would then bring it within the
8 provisions set out in one of the parts of the Act. This
9 would mean the appointment of a Harbour Master to collect
10 dues. I don't know whether there would be any advantage
11 in that.

12 Then there is the possibility, as was
13 mentioned, of the National Harbours Board taking over.
14 This, of course, is government policy. But as far as
15 the making of a Harbour Commission is concerned, this
16 would have to be done by special act of parliament, as it
17 has been done in, for instance, New Westminster, in
18 Toronto, Hamilton, the Lakehead and Windsor.

19 COMMISSIONER SMITH: Port Alberni.

20 CAPTAIN SLOCOMBE: Yes. If there are any
21 questions, I will try to answer them

22 COMMISSIONER SMITH: There is one thing I
23 would like to understand about a quasi-legal matter. You
24 were there when the terms of Union were discussed
25 following the pre-Confederation deliberations and the
26 signing of the documents, and so on. Leaving aside for
27 the moment The Canada Shipping Act, which comes in at
28 another stage of the question, under the British North
29 America Act, as you know, navigation is under the
30 exclusive jurisdiction of the federal authorities. Now,



1 that is fundamental. There may have been in the terms
2 of Union some exemption clauses provided for this hybrid
3 situation which exists here now. But I can't just under-
4 stand -- there are a lot of things in this world I can't
5 understand -- why the British North America Act doesn't
6 operate here the same as it does everywhere else in Canada
7 unless there is some exemption stipulation in the terms
8 of Union. Could you enlighten me on that?

9 CAPTAIN SLOCOMBE: I would have to search, Mr.
10 Smith, but there is some provision that says that the
11 existing provincial acts would remain in force until
12 repealed. Now, the chapter as it was then, chapter 179,
13 now chapter 215, of the 1952 statutes, has not been
14 repealed. It was agreed, I think it is written into the
15 terms of Union that Part VI would not come into effect
16 until proclaimed.

17 COMMISSIONER SMITH: That is the answer, then.
18 It is not in accordance with the B.N.A. Act, and I
19 wondered what authority would flow to get that into the
20 hands of some treaty-making people, between the government
21 of Newfoundland as it was and the government of Canada,
22 as they both were before Confederation.

23 CAPTAIN SLOCOMBE: Perhaps I should stress,
24 Mr. Smith, that the postponement of the proclamation of
25 Part VI, the postponement of the effectiveness of Part VI
26 was done purely to protect the pilots of Newfoundland and
27 the Commissions against any possible adverse effects.

28 COMMISSIONER SMITH: Yes, I quite appreciate
29 that. I just don't understand how we can get ourselves
30 jockeyed into the position where part of Canada is



1 operating under the British North America Act as to the
2 exclusive jurisdiction of pilotage and part of Canada
3 going the other way.

4 CAPTAIN SLOCOMBE: It is a hybrid situation,
5 an anomalous situation, because nobody is taking any
6 interest in chapter 215 now, the Dominion Government has
7 not taken any interest in pilotage.

8 MR. HAWKINS: May I address the Commission,
9 my lord? Captain Slocombe, we can appreciate the
10 difficulties and problems that you have had to meet and
11 overcome in connection with the subject we are on, but
12 I am sure you will also appreciate the position we are in
13 by acting and trying to do a public duty without proper
14 sanction, without any legal authority.

15 Now, we waited for 14 years since
16 Confederation for something to happen, and at the present
17 time we are no nearer our goal than we were 14 years ago.
18 Where do we go from here?

19 CAPTAIN SLOCOMBE: I can assure you that we
20 appreciate your position, and if we could overcome the
21 difficulty at the other end of the island, we would have
22 no difficulty in having Part VI in. But there has been
23 an election, an upheaval of some kind, and things have
24 been postponed again.

25 MR. HAWKINS: Sir, you mentioned that you have
26 had distributed draft by-laws recently. Did you send one?

27 CAPTAIN SLOCOMBE: I am not sure, but I think
28 the by-laws that you have now are pretty well in the shape
29 which we expect will be satisfactory, except for the
30 exemptions.



1 MR. HAWKINS: Yes, we refer to that of course
2 in the brief.

3 THE CHAIRMAN: Well, thank you very much
4 Captain Slocombe.

5 MR. JACQUES: Well gentlemen, this concludes
6 the hearings for Newfoundland.

7 THE CHAIRMAN: We will adjourn now sine die.

8
9 ---Whereupon the hearing adjourned sine die.

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